CITY COUNCIL
CITY OF NEW YORK

----------X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HOUSING AND BUILDINGS

----------X

June 21, 2011
Start: 1:06 pm
Recess: 4:19 pm

HELD AT: Council Chambers
City Hall

B E F O R E:
ERIC MARTIN DILAN
Chairperson

COUNCIL MEMBERS:
Council Member Gale A. Brewer
Council Member Margaret S. Chin
Council Member Leroy G. Comrie, Jr.
Council Member Elizabeth S. Crowley
Council Member Lewis A. Fidler
Council Member James F. Gennaro
Council Member Robert Jackson
Council Member Letitia James
Council Member Brad S. Lander
Council Member Melissa Mark-Viverito
Council Member Rosie Mendez
Council Member Michael C. Nelson
Council Member James S. Oddo
Council Member Eric A. Ulrich
Council Member Jumaane D. Williams

A P P E A R A N C E S (CONTINUED)

Laurie Kerr
Senior Policy Advisor
Mayor's Office of Long Term Planning and Sustainability

John Lee
Senior Architect
Department of Buildings

Cas Bognacki, Engineer
Chief of Materials Engineering
Port Authority of New York and New Jersey

Russell Unger
Executive Director
Urban Green Council

Angela Sung
SVP of Management Services and Government Affairs
Real Estate Board of New York

Sylvester Justino
Director of Legislative Affairs
Building Owners and Managers Association of Greater New York

Richard Martin
Pavement Recycling Specialist
Portland Cement Association

Frank Loré
Major Market Manager for Metro New York
LaForge Cement Company

Donna Ruder
President, Old Council Precast Building Systems Division
Chairman, Precast Prestressed Concrete Institute

Paul Brooks
Manager of Technical Services
Wholesome

A P P E A R A N C E S (CONTINUED)

Gardner Cavanaugh
Sales Manager
Lehigh Cement

Joseph Ferrara
Vice President and General Counsel
Ferrara Brothers Building Material

CHAIRPERSON DILAN: --not quite yet. Michael? [long pause, background noise] Sergeant, are we ready?

SERGEANT-AT-ARMS: Yes.

CHAIRPERSON DILAN: All right, we're going to begin. [gavel] Good afternoon, everybody. My name is Eric Martin Dilan, I am the Chairperson of the City Council's Housing and Buildings Committee. Today the Committee will conduct a hearing on eight bills based on the recommendations of the New York City Green Code's Taskforce. These bills relate to the use of concrete and cement in construction; the use of recycled asphalt; limiting the emissions of volatile organic compounds which are found in carpets, carpet cushions, interior finishes, sealants, adhesives; and also bills improving the, a building's indoor air quality by requiring handling equipment to filter soot and other pollutants from indoor air and requiring newly built residential housing of having twelve or more units to have dedicated rooms to store and sort recyclable materials. The four bills that relate to the use of concrete and cement in construction

that are before us today are Intros 56--576, in relation to the regulation of concrete washout water; Intro 577, in relation to the maximum cement content; Intro 593, in relation to requirements for concrete exposed to deicing materials; as well as Intro 603, in relation to the use of recycled aggregate in concrete. Two of the bills before us relate to recycling practices. The first of which is Intro 575, and that's in relation to requiring newly constructed multifamily residences to provide adequate space for storage, and to sort designated recyclable material of buildings of a certain size, as well as Intro 578, as I said earlier, in relation to the use of recycled asphalt. Two of the bills dealing with indoor air quality, is Intro 585, and that establishes limits on volatile organic compounds; and 592, which is in relation to filtering soot from incoming air in buildings. The Committee today expects to hear testimony from the Department of Buildings, industry experts, environmentalists, academics, developers, property owners, tenants and other persons interested in any matter before this Committee today. As the

Sergeant-at-Arms said at the outset of the hearing, if you're here to testify in favor or opposed to any of the items, please fill out an appearance card and indicate whether you're in support or in opposition on any item before today's agenda. At this point in time, I'd like to just briefly acknowledge, acknowledge my colleagues who are here: Council Member Melissa Mark-Viverito, who is a member of the Committee; Council Member Robert Jackson is a member of the Committee; also being joined by Council Members Leroy Comrie and Jim Gennaro, who are also Members of the Committee. And at this time, I'd like to recognize Council Member Chin for the purposes of an introduction on the bill that she's sponsoring before the Committee today. Council Member Chin.

COUNCIL MEMBER CHIN: Thank you, Chair Dilan. I want to thank you for holding this hearing today, and for your leadership on this important issue. Today, we're here to discuss Intro 592, which will require new HVAC system installed after January 2012, to have a filtration system capable of filtering out soot and other harmful pollutants from entering buildings air

flow. I also want to thank my colleagues who have signed on to support this important legislation. In the wake of the attack of September 11, clouds of toxic dust settled over lower Manhattan, survivors, first responder, clean-up crews and lower Manhattan resident spent months mired in debris and harmful airborne pollutants. Toxic dust, soot and other pollutant cover our sidewalks, linger in the air, and insidiously made its way into our homes and office through air vent and HVAC system. The harmful effects of this exposure to airborne chemical has caused lower Manhattan is only beginning to be understood. Intro 592 recognize how important air quality, indoor air quality is, to the health of our City's residents and workers. This bill will go a long way to improving quality of life for all New Yorkers, and will ensure that in New York City we set the highest standard for ourselves in terms of air quality and long term sustainability. So, thank you Chair, and thank you, I look forward to hearing the testimony.

CHAIRPERSON DILAN: Thank you. Council Member Gennaro has a couple of bills on

the agenda. I didn't have a chance to speak to him prior to hearing, but if you'd like to speak on the, on your bills, I'd like to recognize you if you choose to do so.

COUNCIL MEMBER GENNARO: Thank you, thank you. And, and yes, I would, Mr. Chairman, and thank you, Mr. Chairman for your leadership, and hearing all of these good bills, many bills being heard today, and the, the three that I put in. First is Intro 576, has to do with the concrete water washout. This bill would regulate concrete water washout, which many folks know contains harmful chemicals and materials that are discharged into the City's water system, particularly the sewer system. The bill would require concrete washout containers or collection tanks to capture the washout water; and would also mandate, you know, certain kinds of procedures to make sure that it was properly disposed of. And just to be quick, there are many bills to be heard, I'll do on to the next one, which is Intro 577, which speaks to the cement content in concrete mixtures. This bill, 577, would limit the amount of cement permitted in concrete mixes.

Particularly this bill would require all concrete mixes, requiring a strength of 14,000 PSI or less, which is the most commonly used concrete, to contain no more than 400 pounds of Portland cement per cubic yard of concrete; the current standard is about 650 pounds. As many folks know, when one makes cement, so the making of Portland cement is responsible for between three and five percent of the global carbon emissions, and it's critical that we reduce those emissions, and this bill will go a long way towards that. The third bill is recycled content and asphalt, that's the subject matter of the bill, it's Intro 578. This bill would set a minimum amount of recycled content in, in the asphalt that the City uses. The bill would require City agencies to use or purchase asphalt containing certain percentages of recycled content, which would be phased in over time: 20 percent in 2012, 25 percent in 2014, 30 percent in 2018, and the plants that are operated by the City now, the City run plants that use about 40 percent recycled asphalt, and the private companies, could do a little better than they're doing. And I could go into more detail about all these bills,

but I look forward to hearing the testimony. And I'll begin where I started which is to thank you Mr. Chairman for hearing these bills, and all the bills that are being heard today, and all of the great environmental work that this Committee has done under your leadership. Thank you, Mr. Chairman.

CHAIRPERSON DILAN: Okay, thank you, Council Member Gennaro. And just want to acknowledge some Members who have walked in. The Republican leader, Jimmy Oddo of Staten Island, as well as Council Member Rosie Mendez of Manhattan. We were also joined briefly by Council Members Lew Fidler of Brooklyn, Council Member Tish James of Brooklyn. And I'll just say for the purposes of the audience, right next door, the Council is about to begin a session involved in the negotiations of this year's fiscal budget. Several Members of this Committee, including myself, are part of that budget negotiating team, so if some Members are constantly in and out, please see it as no sign of disrespect, there's just multiple things going on, and a lot of pressure's on Members at this time of year. So,

with that, we'll hear from the Administration. And we have, from what I understand, Ms. Laurie Kerr who will be leading the testimony of the Administration today. Why don't you introduce yourself in your own voice, as well as your colleague who's here, and then you can get right into your testimony.

LAURIE KERR: Hello. I'm Laurie Kerr, Senior Policy Advisor in the Mayor's Office of Long Term Planning and Sustainability. And with me here is John Lee of the Department of Buildings. So, good morning, Chair Dilan and Members of the Committee. I'm a registered architect in the State of New York. And I thank you for the opportunity to testify on eight introductory bills that address a variety of sustainability issues involved in design and construction, including air quality, the allocation of space for recycling, and the diverse impacts of cement and asphalt, which are used in long, large quantities in the City. In PlaNYC, the City set forth an initiative to "strengthen energy and building codes to support energy efficiency strategies and other environmental

goals." Because New York City's buildings have a major impact on the City's environment, the greening of the City's codes will help the City achieve many of PlaNYC's ten goals, including cleaner air, the reduction of the waste sent to landfills, and a 30 percent reduction of citywide carbon emissions by 2030, a goal that was codified into local law in 2008. In order to green the City's codes, Speaker Quinn and Mayor Bloomberg asked Urban Green, the local chapter of the U.S. Green Building Council, to assemble and manage a Green Codes Taskforce charged with generating proposals on how to change New York City's codes and rules to increase the sustainability of the building sector. Out of that effort came 111 proposals, 23 of which have been incorporated into New York's laws, rules and practice. The eight proposals under consideration today all originated as Green Codes Taskforce proposals. The Office of Long Term Planning and Sustainability is pleased to testify in general support of today's introductory bills, although our support is tempered by certain caveats or suggestions for refinements, that would help make the bills more

workable, or would address inconsistencies with federal or state requirements. These Intros could help achieve PlaNYC's goals in measurable ways. For example, because each ton of cement used in concrete generates roughly a ton of CO_2 emissions, Intros 577 and 593 have been estimated to reduce our annual greenhouse gas emissions by half a percent. This is slightly greater than the impact of upgrading all of our taxis and black cars to hybrids, which the City is also pursuing. Similarly, by requiring higher recycled content in asphalt, Intro 578 would reduce the amount of waste sent to landfills by an estimated 85,000 tons annually. This is equal to the total residential and commercial solid waste collected in the City over three days. The comments that we are presenting today represent our initial thoughts about these introductory bills, including some suggestions for refinements. We're looking forward to hearing today's testimony of other, from other witnesses, to ensure that we fully understand the technical issues related to each of them. Intros 592 and 585 would improve the air quality for many New Yorkers. The first would set

minimal requirements on the filtration of air to ventilate buildings, thus filtering out much of the harmful small particulate matter known as PM 2.5, or soot, that's drawn into our buildings from the street. We generally support this requirement for filters to have the minimum efficiency reporting value, or MERV, of 11, which filters out roughly two-thirds of the PM 2.5. But in the case of existing buildings, we would like to hear from stakeholders whether it might be appropriate to drop down to MERV 10, which still filters out half the PM 2.5 to account for potential complications. Intro 585 would improve air quality by reducing the air pollutants known as volatile organic compounds, or VOCs, that are contained in carpets, adhesives, paints and sealants, and that are admitted into the spaces we inhabit. We support this important health proposal with the caveat that a number of technical and legal issues need to be addressed in order to ensure broad applicability and enforceability. These include the need to reference standards that provide a label which can enable property owners to comply, and for effective enforcement. We would propose

Green Label Plus and Green Label for carpets and carpet cushions, respectively; and Green Seal for paints, sealants and adhesives. Additionally, moisture cured and oil based polyurethanes need to be explicitly prohibited. And in order to broaden the applicability of these provisions, we think they should be addressed in the Health Code as well as the building code, that applications in pre-2007 buildings need to be covered, and that carpets and carpet cushions should also be covered at the point of sale. We look forward to working with City Council to craft a bill that, that addresses these and other issues. Intro 575 would require new, larger residential buildings to provide central storage rooms, and in some cases secondary storage rooms on each floor, for refuse and recyclables. The Department of Sanitation has indicated that a lack of easily accessible storage areas is a major impediment to residential recycling. So we generally support this measure as an effective strategy to increase the City's recycling rates. Currently, the zoning resolution's quality housing regulations include similar rules regarding the provision of refuse

rooms for many new residential buildings. But we agree that the Council bill goes further in requiring this for all residential buildings, and explicitly including recycling. Further, the building code is an appropriate location for universal requirements. Going forward, we will need to ensure that these building code provisions do not create duplicative or contradictory requirements in individual buildings, and that the building size triggers room size requirements and treatment of floor area are made to be consistent for all buildings. Intro 577 and 593 would reduce the amount of cements used in concrete. We generally support these bills because the production of cement is estimated to produce five percent of global greenhouse gas emissions. In addition, there are widely available waste materials such as blast furnace slag and fly ash, which can substitute for a substantial portion of the cement, and which can actually improve the ultimate performance of the concrete. History buffs might be interested to learn that similar non-cementitious materials known as pozzolans, were used by the Romans to create concrete in

structures that have lasted up until this day. Intro 577 sets a limit on the amount of cement that can be used in concrete mixes requiring a compressive strength of less than or equal to 14,000 pounds per square inch. We support this bill on the condition that the stringency may need to be relaxed in cases where the increased curing times that can result from non-cementitious additives can cause a hardship. These include roadways or walkways that need to be open to traffic within 24 hours, and perhaps building floor slabs that are poured and cured at temperatures that are below freezing, and sidewalks. In addition, we need to ensure that these requirements are drafted in a way that would not conflict with the New York State and federal Department of Transportation specifications. Intro 593 would raise the limits on the amount of fly ash and other pozzolans used in concrete exposed to deicing chemicals. From initial conversations with industry, we would like to go further, and remove the requirements of Table 1904.2.3 altogether. There does not appear to be compelling evidence supporting the need for these

requirements. Indeed there is reason to believe that pozzolans could actually improve the longevity of concrete exposed to deicing chemicals, because the addition of pozzolans makes the concrete less porous. Intro 603 would set minimal requirements for the use of recycled materials in concrete and base course materials. This measure would reduce the demand for virgin materials mined for aggregate, while creating uses for waste materials that are commonly available in New York and expensive to landfill. In particular, the base course requirements could help reduce municipal expenses by creating markets for waste asphalt and glass, which are costly for the City to dispose. Consequently, we agree with the intent of this Intro. But we are unsure about the technical viability of some aspects of the bill, and would like to hear more from industry on this subject. Given the lack, current lack of industry standards for recycled concrete, we are unsure whether the requirement for a percentage of recycled concrete to be used as aggregate is viable at the ten percent level, or not at all, until pilot projects are done and/or industry

standards are set. Without a commonly used state or federal standard, recycled concrete in aggregate could undermine the quality of the concrete. The use of recycled materials in base courses does not present similar technical concerns, so we support that part of the Intro with the caveat that the use of asphalt in base courses directly conflicts with New York State Department of Environmental Conservation regulations, so this issue would need to be addressed. We also think it might be clearer for the industry and easier to enforce if there were simply one set of requirements rather than requirements that increase incrementally over time. Intro 578 would set minimal requirements for the amount of recycled content in asphalt purchased by the City. Every year, when New York streets are, New York streets are resurfaced, one million tons of asphalt are removed and another million tons are reapplied. Currently, in its own plants, the New York City Department of Transportation creates asphalt with upwards of 40 percent recycled content, significantly reducing the amount of waste to be disposed. This Intro

would require 20 percent recycled content in all asphalt purchased by the City, gradually increasing to 30 percent. We support this measure, although there may be a need for some flexibility to allow for operational circumstances that cannot be controlled. Finally, Intro 576 would add to the building code regulations covering the disposal of concrete washout water. Concrete washout water is highly alkaline, and it contains residues that can clog the City sewage system. The rules of the New York City Department of Environmental protection prohibit the discharge of waste water with a pH higher than 12 into the sewage system, and only allows storm water to be discharged into a storm sewer, catch basin or manhole. However, these rules are not typically enforced on building sites. Therefore, we support the inclusion of these provisions in the Building Code, but would like to see several modifications. The options that would allow concrete washout water to be treated onsite and discharged into the sewage system are in conflict with the Department of Environmental Protection rules and should be stricken. In addition, the language in the Intro

regulating the size of concrete washout containers and other means and methods, seem unduly proscriptive and should be simplified. Thank you for the opportunity to testify on this important legislation. I'm happy to answer any questions you may have at this time.

CHAIRPERSON DILAN: Just a few more acknowledgements. First, we've been joined, and I apologize for not mentioning it at the outset, we've been joined by Council Member Brad Lander of Brooklyn, who's a Member of the Committee; as well as Council Member Jumaane Williams of Brooklyn, who's also a Member of the Committee. I will defer to the Chair of the Environmental Protection Committee to lead off with the questioning, Council Member Jim Gennaro.

COUNCIL MEMBER GENNARO: Thank you, Mr. Chairman. And thank you, Laurie, it's good to see you, as always. And thank you for your very constructive comments regarding Intro 576, 577 and 578, those are going to be the focus of my questions. So I can be brief, let me just turn to the part of your statement, let's start first with Intro 577 on page five of your statement. That's

the first part of your statement where you speak to changes that you might like to see in the bill, and in that paragraph, where you're talking about Intro 577, you indicate that the bill would be supported by the Administration on the condition that the stringency may need to be relaxed, I'm reading from you statement, in cases where the increased curing times can result from non--

LAURIE KERR: Cementicious.

COUNCIL MEMBER GENNARO: -- cementicious additives, that could cause a hardship. If you could speak just a little bit, just give me a little more detail on, on that phenomenon and what we should do about it in terms of language in the bill.

LAURIE KERR: The, these additives can sometimes cause the curing times to be a little bit longer, so it takes--although the ultimate strength of the concrete is higher, it can take a little bit longer to start to achieve the strengths where, that are sufficient, for example, for people to walk on it, or for cars to drive over it. So, from conversations that we've had in the industry, and with City agencies, it

seems pretty clear that in the case of roadways and walkways and bridges and so forth, that need to be opened within 24 hours because of traffic, that we would have to raise the allowable amounts. In terms of building construction, and perhaps sidewalks, we think that more conversation has to happen to see whether there needs to be any additional changes made in cases like that. So, I think for the roadways, we're convinced that the amounts need to be raised, we're looking at about 650 pounds in that case, as a requirement that people seem to--

COUNCIL MEMBER GENNARO: Which is the current standard, isn't it? Isn't that the current standard?

LAURIE KERR: The current standard actually has a 650 pound minimum, as I recall, or--

COUNCIL MEMBER GENNARO: That was my recollection, but don't want to--

LAURIE KERR: It's a minimum, but it would be a maximum of 650--

COUNCIL MEMBER GENNARO: Oh, I see.

LAURIE KERR: --in that case, so it

would still be somewhat of a reduction.

COUNCIL MEMBER GENNARO: Yes, and if, why don't we just jump down to the bottom of the paragraph, where you talk about a possible conflict with New York State and federal DOT specs. Didn't we already, isn't that spoken to in the bill, that these kinds of projects would be exempted? Are these standards that we go by for our own--Just talk a little more about that.

LAURIE KERR: You know--

COUNCIL MEMBER GENNARO: Because the bill wouldn't apply for federal or state projects, like anyway, right?

LAURIE KERR: Actually, you know, you're right--

COUNCIL MEMBER GENNARO: Yeah.

LAURIE KERR: --I think that exemption does handle it. So.

COUNCIL MEMBER GENNARO: Okay, yeah, that--

LAURIE KERR: Yes.

COUNCIL MEMBER GENNARO: --that's, that was the - - answer.

LAURIE KERR: That, there was that

conflict and yes, it is handled.

COUNCIL MEMBER GENNARO: Right, we've put, okay, so that one, we'll just Xing that one out.

LAURIE KERR: Okay.

COUNCIL MEMBER GENNARO: That's good.

LAURIE KERR: Good. Done.

COUNCIL MEMBER GENNARO: There you go, we're making progress, we're working here. Okay. And fine, then jumping over to Intro 578, on the top of page seven of your statement, you talk about that there may need, there may need to be some flexibility to allow for operational circumstances that can't be controlled. This is with regard to the recycled asphalt bill. And I think I'm, I could be fine for that, I mean, fine with that, I just, once again if you could just give me a little bit of an explanation as to what--

LAURIE KERR: The, the--

COUNCIL MEMBER GENNARO: --what that might mean.

LAURIE KERR: --explanation is that

there are very few plants that actually create these materials. And they're--so, if some machinery is broken on a plant for a certain short amount of time, maybe there needs to be some acknowledgement that that could happen. So, I don't know the right way to address that, but it's possibly something that we would want to take into account.

COUNCIL MEMBER GENNARO: But--

LAURIE KERR: So it would be a modest--

COUNCIL MEMBER GENNARO: Okay, because--

LAURIE KERR: 'Cause the--

COUNCIL MEMBER GENNARO: --if the City is setting a spec of whatever it is, then, and, you know, people who meet the spec can get the jobs, and those who don't meet the spec, don't. Isn't that how we ordinarily do things?

LAURIE KERR: Well, I think in the case, sometimes of roadwork, there are certain time, they have to happen when they have to happen. So--

COUNCIL MEMBER GENNARO: Okay.

LAURIE KERR: --there can be often, sometimes a little bit less flexibility in--

COUNCIL MEMBER GENNARO: Right.

LAURIE KERR: --saying, "Okay, we're not going to accept that batch."

COUNCIL MEMBER GENNARO: Right, right.

LAURIE KERR: So.

COUNCIL MEMBER GENNARO: But, do we foresee that there would be in any way any kind of shortage of recycled asphalt that, that people that make asphalt might not have--

LAURIE KERR: No.

COUNCIL MEMBER GENNARO: --access to, because we mill all the time, and presumably there's--

LAURIE KERR: We have an excess, and that's one of our problems--

COUNCIL MEMBER GENNARO: Right.

LAURIE KERR: --is that, that this is aiming to address is that we're paying to landfill that--

COUNCIL MEMBER GENNARO: Right. Okay. And want to thank you and just to, Mr.

Chairman, one last question about the points that Laurie makes regarding Intro 576, with regard to the concrete washout, and in there you state that the, this part of the bill that would be in conflict with DEP rules and should be stricken, and then in that case, the question is what we would, what we would do about that. Would we put something else in or just rely on those other parts of the bill that talks about other things that can be done with the washout water? Would we invent a new category, or--

LAURIE KERR: No, I don't think so, I think that really it should be treated on site. It should be evaporated on site, or--

COUNCIL MEMBER GENNARO: Right.

LAURIE KERR: --taken back to the batch plant, to be treated.

COUNCIL MEMBER GENNARO: Okay, so it's just matter of just striking that--

LAURIE KERR: So those are really the two--

COUNCIL MEMBER GENNARO: --part of the bill that says you can put it into the sewer system, once you treat it on site.

LAURIE KERR: Right. Because DEP's rules explicitly prohibit that at the moment, so--

COUNCIL MEMBER GENNARO: Fine. Okay. So, looks like we have a lot of common ground between the Administration and us on Intro 576, 577 and 578. Certainly, I don't, you know, wish to, you know, speak for the Chairman of the Committee or the Council Leadership in what we all ultimately sign off on, but it looks like there's a lot of common ground, and that I think that bodes well. And I thank you, Laurie, and I thank you, Mr. Chairman, for your indulgence.

CHAIRPERSON DILAN: Thank you, Council Member Gennaro. Council Member Chin.

COUNCIL MEMBER CHIN: Thank you, Chair. I have a couple of questions relating to Intro 592. What is the difference in costs for the air filtration system, that will be required by Intro 592 versus the air filtration system that's currently being built, currently being used in the buildings?

LAURIE KERR: Actually, we'll have to research that. It should be in the packet that was developed by the Green Codes Taskforce, but I

don't have those numbers at my hands right now.

COUNCIL MEMBER CHIN: I mean, it's not going to be--

LAURIE KERR: It's a very, it's a mod--very modest cost, to, to put these in.

COUNCIL MEMBER CHIN: Okay.

LAURIE KERR: But I don't have the numbers right now.

COUNCIL MEMBER CHIN: Now, in your testimony, you talk about the difference of the minimum requirement being the MERV of eleven, and for existing building, to have it lowered to ten. Do you think that existing building will have difficulty sort of complying?

LAURIE KERR: Well, that's--we are unsure and we'd like to hear from some of the architecture and engineering community, about whether or not there might be a need to relax the stringency in the case because you might have more constrained geometries in trying to fit these pieces of equipment in, might be harder. So, we're unsure. The original proposal did have some sort of drop down and so we're, we just want to hear more about that. So, we don't have a fixed

idea about it at the moment.

COUNCIL MEMBER CHIN: Now, what's, what type of buildings would this bill apply to? And then do you know how many filtration system are usually generated, used in these buildings? Like the office buildings we have down here.

LAURIE KERR: I would say most office buildings would ultimately be impacted by these, and fewer residential buildings, because these would be, these would apply to buildings that have central air systems.

COUNCIL MEMBER CHIN: Okay.

LAURIE KERR: And over time, they would apply to existing buildings, but only in the case where you were replacing the whole air handler. So, not if you were only dealing with a part.

COUNCIL MEMBER CHIN: Do you, can you explain to me about the 5,000 CFM threshold that the bill may not require them to, if they have the capacity of less than 5,000?

LAURIE KERR: Well, I think it was considered to be potentially a hardship for smaller buildings, and smaller air handling

systems. So this is really meant for a building like this, where you have a pretty sophisticated air handling system in place, where it can accommodate these filters.

COUNCIL MEMBER CHIN: But if the building, if the small, even the smaller building, but if they have a central air system, then what-- I mean, what can we require them to do, so that they can also be able to provide better air quality?

LAURIE KERR: We would have to, I think, get back with the engineering community, and talk about the implications of that. The Green Codes Taskforce came forward with this proposal and we haven't heard any comments that it's not feasible at the higher level, but actually you're the first person to introduce the question of whether or not it should happen at the lower level, so I, we would have to get back and talk to people.

COUNCIL MEMBER CHIN: I think the other concern will be like in terms of residential building, where they do have some kind of central air system, or even for individual apartment

units, that have more than just the, the sort of the, the regular small size air conditioning units, to really see how that could apply to them, too.

LAURIE KERR: I think that it's probably not feasible to put that kind of intense filtration into very small units. But we'll have to talk with industry. Do you have experience on that, John?

JOHN LEE: Well, if I might add, the 5,000 CFM threshold was through just large air handling systems for large commercial buildings, such as this one. The Green Codes Taskforce, probably in their wisdom, though that this was a good first approach to this issue, of increased filtration. There's nothing in the code that would necessarily prohibit a smaller residential unit from voluntarily putting into their system, better filtration system than that's required by the code. The, a lot of it is an engineering question, certain air handling units may not necessarily be able to handle the denser filters; then again, on the other hand, we've been also hearing from industry that the more advanced

filters these days do not impede the performance of the air handling units in the same way that prior high density filters used to.

CHAIRPERSON DILAN: I'm sorry, just 'cause it's the first time you answered a question, could you just identify yourself in your own voice for the record?

JOHN LEE: Sure. My name is John Lee, I'm here representing the Department of Buildings.

CHAIRPERSON DILAN: Okay.

COUNCIL MEMBER CHIN: Okay, thank you. I mean, I think this is a good beginning, but ultimately, if there are more informations and more advancement, I think it's really good to get the information out and see how we can really work on improving the quality of indoor air quality for everyone. Thank you.

CHAIRPERSON DILAN: Okay, I'd like to begin just by starting out with a few questions as it relates to the concrete legislation, and I'll start out by admitting that, you know, I doubt that there are any concrete experts here in the City Council, and we're relying in this regard

to, you know, the technical work of the Green Codes Council and we'll hear from some members of the industry later. So, for my opinion, they're very technical in nature, and I'm not sure that, while I've read the bills, I'm not sure that I've understood everything that's in there. So, I'll start with some general questions first. How is the cement waste water that's generated by washing out the cement mixer and the cement pump trucks recently disposed of? And is it a violation of rules of the City, to dispose of the construction materials into the sewer system?

LAURIE KERR: We believe that it is.

CHAIRPERSON DILAN: Currently.

LAURIE KERR: Yes.

CHAIRPERSON DILAN: Okay. And the first part of the question is how is it, how is it disposed of currently, if you have any knowledge?

LAURIE KERR: Well, very often it's, you've seen it running down the street, into the storm sewer. I think we've all seen that.

CHAIRPERSON DILAN: So what, what would be the proper practice?

LAURIE KERR: The proper practice would be to put it in bins on the site until it evaporates and then dispose of the concrete residue. Or to have it taken back to the batch plant where it can be treated and, and properly disposed of.

CHAIRPERSON DILAN: Okay. So you have no, you have no--I guess, do you have an understanding of how often the proper practices follow versus the improper practice? Do you have any, any knowledge to that? If you don't, I understand.

LAURIE KERR: No, I don't.

CHAIRPERSON DILAN: Okay. Is there enough space on a typical construction site, in your mind, to locate washer, washout containers, or washout areas? And is there an appropriate distance from storm drains and catch basins on a typical construction site, which is what 567's asked the industry to do?

LAURIE KERR: I think those are some of the restrictions that we think are perhaps too stringent, in terms of the size of containers and distances and things like that. So, we, we

think some of that language is unnecessary. I think the important thing is to ensure that these things don't end up in the sewer and it's, on the whole, up to the contractor to ensure that that doesn't happen within the constraints often of these type construction sites. So, we would look to not be quite so prescriptive in that regard.

CHAIRPERSON DILAN: Okay. How long can concrete mixer and concrete pump trunks wait before washing out after they've delivered the concrete?

LAURIE KERR: I don't know. Do you have a sense of that, John?

JOHN LEE: Not very long.

CHAIRPERSON DILAN: I would've said that's very general, it's very general.

JOHN LEE: Concrete, concrete may cure in as little as 90 minutes, as far as I understand, so--

CHAIRPERSON DILAN: Okay.

JOHN LEE: --then you take in account travel time for the truck to get from the plant and whatnot, that they end up pushing it to the margin, and so the washout is, you're going to

take it immediately on the site.

CHAIRPERSON DILAN: Right, so it starts to solidify after a certain, you're saying after an hour-and-a-half it begins to solidify, is that--

JOHN LEE: Yes, yeah.

CHAIRPERSON DILAN: Okay. On Intro 577, in relation to maximum cement content, what portion of concrete is currently used in construction projects? What portion of concrete currently used in projects would apply to this bill?

LAURIE KERR: You mean the concrete that's less than 14,000 PSI?

CHAIRPERSON DILAN: Five--yeah, 577, yeah.

LAURIE KERR: Okay, that's probably the majority of the concrete that's used now. In both buildings and infrastructure.

CHAIRPERSON DILAN: All right, in like, you know, a lot of this stuff is, you know, while I read it, it's like reading Chinese. Are common, common cement extenders available locally or regional, regionally. And I guess this is the

part the technical portion comes in, I guess there's different ones for fly ash, for silica fume, for slag. And I don't, I couldn't differentiate what that is if I saw it, but I'm relying on your technical ability here.

LAURIE KERR: Is the question whether or not there is supply of this?

CHAIRPERSON DILAN: Yes.

LAURIE KERR: There's quite a lot of supply of it. And in general, because most of these are waste products, they can reduce the cost of the cement in the long run. I mean, the concrete, in the long run.

CHAIRPERSON DILAN: By how much?

LAURIE KERR: Modest amount, it probably should be a fair amount, but very often that doesn't get passed along to the client, so--

CHAIRPERSON DILAN: All right, to your knowledge, are there construction projects that require concrete with greater than 14,000 pound, 14,000 pounds of compressive strength?

LAURIE KERR: Sure, absolutely.

CHAIRPERSON DILAN: All right, so, in general, like for a layman, what type of jobs

are we talking about here? These--

LAURIE KERR: Well, I think these would be a lot of the big amounts of concrete that you see being used, like big floor slabs, sidewalks, roadways, things like that. So, these large areas of concrete, amounts of concrete, would be covered.

CHAIRPERSON DILAN: So for like large foundations, for decking slabs, potentially.

LAURIE KERR: Mm-hmm.

CHAIRPERSON DILAN: Okay, I'm going to move to Intro 593. And that's the intro in relation to deicing. What are the effects of deicing chemicals on concrete, generally?

LAURIE KERR: Well, we've been exploring that, and apparently, okay, deicing materials are often salts, and the concretes can of--concrete can often have metal rebar in it, so if the salts get in, they can corrode the rebar and cause degradation. So, the question is whether or not these pozzolans would make that problem worse or not. And we haven't seen evidence, or heard evidence, that in fact the pozzolans make the problems worse. In fact, it's

likely that they would decrease the problems, because they're very fine grained, and so they end up with a less porous concrete, less cracks. And so, less likely to have moisture penetrations. So, it's our feeling that it's, it would probably make sense to go further than the Green Codes Taskforce proposal, and remove these limits altogether that are in the table.

CHAIRPERSON DILAN: All right, do deicing chemicals affect concrete with high proportions of cement extenders differently than other types of concrete?

LAURIE KERR: There's no evidence that we know of for that, which is why we're proposing to be broader.

CHAIRPERSON DILAN: What's the main function for deicing chemicals, beside the obvious, on concrete in general?

LAURIE KERR: Well, I think it's really to get rid of ice. [laughs]

CHAIRPERSON DILAN: But like for what safety purpose?

LAURIE KERR: For people driving and walking and things like that.

CHAIRPERSON DILAN: Okay, and ... Okay, would, would the use of a non-Portland cement increase costs for a developer?

LAURIE KERR: It should not. As, as--since these other materials are by and large waste materials, they are less cost.

CHAIRPERSON DILAN: All right, so you think it would be cost neutral, in other words, or do you think there's a minor increase?

LAURIE KERR: Well, it, no, it should decrease the cost, if the costs generally were being passed on to the builder, to the builder. But sometimes that doesn't happen.

CHAIRPERSON DILAN: I guess what are the waste materials involved that you speak of?

LAURIE KERR: The two main ones are blast furnace slag, which is a residue from steel, and fly ash which is residue from the burning of coal.

CHAIRPERSON DILAN: And is there a cost difference between recycled and non-recycled concrete?

LAURIE KERR: [pause] Vis-à-vis

which proposal?

CHAIRPERSON DILAN: When you say--it's 59--oh, 'scuse me, 603, 603.

LAURIE KERR: For the aggregate, you mean.

CHAIRPERSON DILAN: Yes.

LAURIE KERR: Okay. The aggregate are the stones, typically, that are in the concrete. So, typically they're quarried somewhere say upstate, and brought down here. So those, so that proposal would potentially allow those stones to be replaced with crushed concrete. So, the crushed concrete from demolition projects, should be less expensive than virgin material brought in from elsewhere.

CHAIRPERSON DILAN: Okay. So--

LAURIE KERR: That's the idea there. But there are some questions in the industry that we think are significant enough that more study has to go forward before we would be comfortable backing the requirement for recycled aggregate.

CHAIRPERSON DILAN: Okay, so you believe, you believe it would be cheaper, but

you'd like more - -

LAURIE KERR: [interposing] We believe it would be cheaper, but we are not yet sure whether or not the recycled aggregate could cause some problems with the concrete. So, we need to hear more about this before we know whether or not we could support it.

CHAIRPERSON DILAN: Right, and what is currently done with recycled aggregate? Is, does most of it end up in, in landfill, or are there other uses?

LAURIE KERR: Some of it is used to fill excavation sites. Some of it is used to cover landfills. It's ground up for what's called alternative daily cover. And some of it goes to landfills. Some of it's used as part of base courses and things like that. So, a number of things happen to it, but we've heard from some of the trans--operators of the transfer stations that not having adequate uses for waste concrete, has kept them from being able to reuse a lot of it. So, there does seem to be a need for more end uses for recycled concrete. So that more of it, or less of it, ends up in landfills.

CHAIRPERSON DILAN: All right, how many companies within the City are in this arena? How many currently sell aggregate material? Is such material readily available? And where does the recycled content come from?

LAURIE KERR: To my understanding it's readily available. I think there're 23 transfer stations, or something like that.

CHAIRPERSON DILAN: Okay, you can give an approximate number.

LAURIE KERR: That would, would have this material readily avail--readily available.

CHAIRPERSON DILAN: Okay. Let's see. I have just a few more. And, in regards to recycling practices on Intro 575, that require multifamily units to provide storage space, how common is it for the Department of Sanitation to issue tickets for building owners to, for failing to provide this storage space for recyclables, currently?

LAURIE KERR: Well, since it's not a requirement to provide the storage space, I don't think they would be issuing violations. I

think there's some requirements on the books for, from the zoning, and that would--

CHAIRPERSON DILAN: All right, but--

LAURIE KERR: --come up.

CHAIRPERSON DILAN: --but we're going to be asking Department of Sanitation, and I think visually they may be able to do it, but we're going to be asking 'em to differentiate from new buildings that are required as opposed to old buildings that aren't.

LAURIE KERR: This would be something that would be part of plan approval at Department of Buildings, when you get your permit to build a new building, that it would have to designate the space.

CHAIRPERSON DILAN: Sure, that makes sense, but at the end of the day, the, it, who would have the authority to issue violations here? Say, you'd expect that it wouldn't get past the plan approval stage, and that these new buildings would be able to do it. But in the event that it doesn't get done, who has the authority to, to fine here? Is it Buildings or

would it be Sanitation?

LAURIE KERR: You want to take that?

JOHN LEE: It would be the Department of Buildings.

CHAIRPERSON DILAN: Department, so, so Sanitation would have no enforcement role whatsoever.

JOHN LEE: It would not be necessary.

CHAIRPERSON DILAN: Say it again.

JOHN LEE: It would not be necessary. This is again, should be caught at plan examine--

CHAIRPERSON DILAN: All right.

JOHN LEE: --time, if the owner ends up using the space other than what was designated from the, the approved, after permit sign off, then that's again the, a building use violation, enforced by the Department of Buildings.

CHAIRPERSON DILAN: All right, do either of you have the cost impact to the private sector, on 575?

JOHN LEE: Should I do this one?

LAURIE KERR: What'd you say?

JOHN LEE: You want me to handle this one?

LAURIE KERR: Sure.

JOHN LEE: The, the cost issue is central to the point that Ms. Kerr raised in terms of zoning. The greatest impact that this could potentially have in terms of cost, is that this represents floor area, and the zoning resolution provides many exemptions for common spaces, such as mechanical rooms and elevator equipment rooms, to be exempt from the floor area calculation. And it differs depending on the types of buildings and the zone that the building might be in. So, with that, the, to reiterate Ms. Kerr's point in the testimony, that this has to be, work in conjunction with the zoning resolution, to afford reasonable amounts of exemptions from floor area for this type of--

CHAIRPERSON DILAN: All right, so it's the intention of the Administration to at least afford buildings that, that floor are exemption for the, for this use of space in

buildings?

JOHN LEE: I would like to, however the zoning resolution, again, is largely put forward by the City Planning Commission. And so--

CHAIRPERSON DILAN: But it--

JOHN LEE: --it is not necessarily within the jurisdiction of the Building Code.

CHAIRPERSON DILAN: All right, I got it, but they're also part of the Administration, so while it might not be appropriate for buildings to ask, it might be appropriate for Ms. Kerr to, to answer.

LAURIE KERR: I think that we would look to come up with the provisions that make this a reasonable, reasonable cost for building owners. So, we would try to work, work to come up with something that is reasonable. I think that the current quality zoning already contains that, so I don't think it would be too different than what's already in the zoning.

CHAIRPERSON DILAN: Okay, so, to, to your knowledge, to what extent do developers already provide this space, absent of any legal requirements, with the main ideas of this proposed

legislation in mind, on new residential construction? And to what extent do developers include trash storage rooms in their spaces for multifamily residential construction.

LAURIE KERR: I think that on the whole it's happening now, because of the quality zoning requirements. So, this would just broaden it somewhat.

CHAIRPERSON DILAN: Okay, and I know this was obviously discussed at length, at the Green Codes Taskforce. Has there been any discussion between the Administration and the real estate industry on these items?

LAURIE KERR: Yes, there was an industry advisory committee that had been at the table with the Green Code Taskforce proposals pretty much from the beginning. And over the course of the last summer, we had, we went through every single proposal with the members of that committee that included developers and owners of various sorts. So, we have extensive records of issues that were raised in comments. This was not a proposal that was contentious at that time.

CHAIRPERSON DILAN: Okay. And I

guess this quality zoning that you speak of, is it citywide in nature? Is it regional in nature? Is it--how much of the City does it cover if you have that? If it's not city--if it's citywide, I'd like to know; if it's not citywide, I'd like to know. Then if you have a general idea of where in the city it is, that'd be great.

LAURIE KERR: My understanding is that it's a certain quality that a building, a builder could build to, that has certain additional requirements, and that allows them certain extra floor area and things like that. So, I think it is citywide, but it's not always, it's not something that's always done.

CHAIRPERSON DILAN: All right, so if, if it is done, then they're entitled the extra floor area; and if it's not done, then they're not entitled the extra floor area, basically.

LAURIE KERR: And I think there are a number of other issues that come with it, so it's not a single provision. The, the storage space is one piece of a number of things that are required.

CHAIRPERSON DILAN: I guess as a

matter of follow up, if you could just confirm your hunch that it is citywide in nature, that would be extremely helpful, just to have confirmation on that. While your hunch is good at this point in time, I'd like to know for certain before we move on with legislation.

LAURIE KERR: We can do that.

CHAIRPERSON DILAN: Okay. In relation to recycled asphalt, which is Intro 578-A, first off, I noticed in your testimony that you said the Department of Transportation currently uses 40 percent of recycled material in the asphalt, while the goals of the legislation have the City, I would imagine other City agencies, and including the private sector, meet a target of 20 percent. Just from the outset, does the Department of Transportation intend to maintain its own 40 percent standard?

LAURIE KERR: In talks with them, they're working to actually raise that standard.

CHAIRPERSON DILAN: Okay.

LAURIE KERR: So over time, they have felt that learning how to incorporate increasing percentages of recycled content has

been a matter of getting experience of how to do that. And they've been working at it for quite some time, and over time they've reached a 40 percent level, and I think they're trying to, to make that even higher. So, in conversation with them, they felt that the private sector is probably around 15 percent, at this point, an could be expected to move up to 25 percent, and gradually, over the years, gain experience using this material and up their percentages over time. So, it was really, from their hands-on experience that these numbers were developed.

CHAIRPERSON DILAN: Okay, so, besides the Department of Transportation, who do you feel would be the major either City agencies or private sector users that would be impacted here?

LAURIE KERR: Well, this would only impact the City, because it's a--.

CHAIRPERSON DILAN: Okay, so it's not, it's not--

LAURIE KERR: --it's a procurement, it's about City procurement. So it would be--

CHAIRPERSON DILAN: Okay.

LAURIE KERR: --but that said, once the plans are set up to, to use the recycled conc--recycled aggregate, I think they would--

CHAIRPERSON DILAN: Yeah, see, the concern that I have there is while it may require the other City agencies to get up to a certain standard, quite often in neighborhoods and districts, you have entities such as Con Edison and KeySpan, who often cut the streets, or when a plumber comes in to do, say, a sewer line, those standard wouldn't apply to them when they have to repave the street. And if the City's set a standard at a certain level, then these private stakeholders could potentially ignore the standard that the City has set forth. So that is, you know, somewhat of a concern that I'd like you to take back and take a look at. Now, obviously, there'd have to be some input and discussion with those stakeholders, but I'd like you to at least begin to entertain that, because that, that's going to happen throughout the City, and it would reduce the standard. So, you don't need to answer that, it's just, you know, food for thought there. Can the entire source of recycled asphalt pavement

required by the bill be provided locally or will these materials be delivered from outside of the City to meet the minimum requirements?

LAURIE KERR: We're removing a million tons of asphalt from our streets every year, and--recycling only, reusing only a fraction of it. So, this is, we're milling a million tons of asphalt a year in New York City, so we have an awful lot of this that we're, that we need to try to dispose of, so--

CHAIRPERSON DILAN: Okay, just--go ahead, I'm sorry.

LAURIE KERR: We won't, we won't need more than we generate.

CHAIRPERSON DILAN: Okay, so just to follow up on the, the previous question, I guess to your knowledge, does this bill amend the Building Code to make the 20 percent and then the 30 percent threshold a requirement?

LAURIE KERR: My understanding is that this is a bill about the purchase of material by City agencies.

CHAIRPERSON DILAN: Does the Building Department have an understanding on

whether it amends the Code or not?

LAURIE KERR: I don't think that it, it was a building code provision, it was a--

CHAIRPERSON DILAN: All right, we believe it's our understanding that it does amend the Building Code, so I just want you guys--

LAURIE KERR: Oh, it does.

CHAIRPERSON DILAN: --to go back--

LAURIE KERR: Okay.

CHAIRPERSON DILAN: Okay.

LAURIE KERR: I'm sorry, sorry about that, so it does both.

CHAIRPERSON DILAN: Okay. No, fine, we thought so.

LAURIE KERR: Okay.

CHAIRPERSON DILAN: But I just wanted to get that for the record, so then it would state that then all of the private sector entities would then be covered by these standards. So, I just wanted to get that--

JOHN LEE: It was my understanding that it was in the Building Code, and that as private sector entities, would be covered.

CHAIRPERSON DILAN: Okay, that

would be a change from the previous answer that was given, and that's fine, but I just want all that fleshed out publicly, as part of the public disclosure on the bill. Okay, moving on, And this is another one that I admit, you know, I had some, I had some problems with the, the technical portions ,'cause I just don't quite understand it in detail. I get the concepts, but in terms of indoor air quality, as it relates to Intro 585, that establishes the emissions of volatile organic compounds in carpets and furniture and the like. First of all, has there been any discussions between the Administration and/or the Green Codes Taskforce, with furniture manufacturers or carpet manufacturers in terms of the proposed legislative change, and how it will affect product delivery to the City?

LAURIE KERR: The, there's no provisions here on furniture. On carpet and, so--

CHAIRPERSON DILAN: Maybe directly on furniture, but some of the compounds that were mentioned I think are used in the manufacturing and creation of furniture, so it might be--and I'll have to double check, but I believe it does

impact the, the furniture industry because they may use some of the materials that are mentioned in the bill. I'll double check that, but it's my belief.

LAURIE KERR: Okay. The way that the bills are being crafted for paints and sealants, is that, my understanding is that it's when it's applied onsite.

CHAIRPERSON DILAN: Say it again.

LAURIE KERR: Applied onsite.

CHAIRPERSON DILAN: Okay.

LAURIE KERR: So, it should not affect anything--

CHAIRPERSON DILAN: Oh, okay, and I--

LAURIE KERR: --created in a shop.

CHAIRPERSON DILAN: --I, yeah, as I said out the outset, there's a lot that I didn't understand technically, so I expected to be corrected a couple of times. So, what are the common effects of this volatile organic compound exposure? How is it hazardous to people's health?

LAURIE KERR: I think it is-- basically, it's a pollutant that can harm people's

lungs and cause various lung related illnesses. So--

CHAIRPERSON DILAN: And where is it generally found today? And how often is it used in today's materials inside of buildings?

LAURIE KERR: It's pretty widespread. So, it's in carpets, paints, sealants, and so forth. So, it has two sets of problems. There's one set of health problems, and then it also increases smog. So.

CHAIRPERSON DILAN: And how would a ban of the sale of these materials be enforced? How would the City stay on top of this?

LAURIE KERR: Well, that goes to some of the proposals that we were making to broaden the way that it's handled in the Code, so I think that the proposal before you is to place these in the Building Code; whereas, we, we think that they would be better primarily placed in the Health Code, and secondarily referenced in the Building Code. And then within the carpet and carpet padding provisions, that those should also be in the Administrative Code as a point of sale. And this is because not--for certain projects, the

Building Code would capture this, if the buil--if the project is, is submitting to the Building Department. But to actually paint your walls or to install carpets, you often don't need a building code, you don't need a building permit to do that. So, it would be pretty unenforceable if it's only in the Building Code. So, we recommend that it's in the health code, too, so that if there are complaints within a building, that these, if there have been odors that would cause people to believe that these things were installed, that could be captured.

CHAIRPERSON DILAN: Okay. So, in terms of supply, if this bill were to become law, how would the appropriate carpeting materials and the like, how much of that supply is commonly available, locally at this time?

LAURIE KERR: We researched that pretty extensively, and it appears that there's quite a, quite a lot of, a great many companies are now creating their products to this standard so that there would be more than adequate supply and more, more than adequate choice in all of these categories, for those materials.

CHAIRPERSON DILAN: All right so these, these companies are making this decision to do this on their own, what's the impetus for them to do that?

LAURIE KERR: Well, for a lot of the paints and sealants, the State of California has already required very stringent standards, so that's part of the impetus. Another thing is the lead standards which require these. So, a lot of companies, in order to sell to these major areas have had to up their standards, already.

CHAIRPERSON DILAN: Okay. Okay, so, seeing, seeing no other questions from my fellow Members of the Committee, if there are none, I'd like to thank you all for your time and testimony. We may have some items that we follow up, and if, follow up on, and if we do, we'll do so in writing. I'd like to thank you for your time and testimony today, and just for the benefit of the Members and of the public, this is an initial hearing on all these items, none of these items will be voted out here today, they'll be laid aside at the conclusion of the hearing. We'll take public testimony on these items today,

and listen to all of it, take it into account, and then decide further action, if any, at a future date. So, I just wanted to let that be known for the record. Thank you all for your time and your testimony. And we'll hear, we'll hear now from some members of the public on, on any item before us today. [pause] All right, so we'll do a panel of three, and we'll start with, and I want people to testify in this order--yeah, I got it--Cas, and correct me if I make a mistake on the name, but Cas Bognacki of the Port Authority of New York and New Jersey, come forward please, you'll be first to testify; Russell Unger of the Urban Green Council; and Angela Sung of the Real Estate Board of New York. I'd like you to testify in that order. [pause] And, if, if any of you have any written copies of your testimony, if you haven't given it to the Sergeant already, you can give it to the Sergeant, so that the Members can follow along. [pause] You can begin and please state your name in your own voice and include--

CAS BOGNACKI: Sure. Good afternoon. My name is Cas Bognacki, I'm a licensed professional engineer in the State of New

York, employed by the Port Authority of New York and New Jersey. My title is Chief of Materials Engineering. I'm responsible for inspecting and testing construction materials which includes concrete. We also have a concrete testing laboratory that I supervise. I've been involved in testing and inspecting concrete for the past 25 years. I'm a voting member on several technical committees and the American Concrete Institute. I am currently serving as the President of the Concrete Industry Board of New York City. And previously held the office of President of the New Jersey Chapter of the American Concrete Institute. I do not come here as a representative of any segment of the concrete or construction industry. I come as a public employee of the Port Authority of New York and New Jersey. To state that the recommendations made here in Intro 577, have put in practice, have been put in practice, on many Port Authority projects. I was a member of the Mayoral Green Code Committee, along with Ed DePaulo [phonetic]. Ed DePaulo is President and CEO of Sevarude [phonetic] Associates, a consulting engineering firm. We made several

recommendations to make concrete greener in New York City, and also to recycle some of our construction materials and make it more sustainable. Mr. DePaulo could not be here today, but completely supports the recommendations we've made, as well as the comments I will make today. I was involved in recent efforts to revise the New York City Building Code. Major changes were made to the Code with regard to concrete. Changing existing practices is never easy. We succeeded in removing the minimum cement factors that existed in the previous code. The Code required a minimum of 660 pounds of cement, for 4,000 PSI concrete, and 800 pounds of cement for 5,000 PSI concrete. There was significant opposition in the concrete industry to these changes, because it was of economic benefit to certain segments to keep the status quo. Charges were made that removing the minimum cement factors would jeopardize safety of concrete structures. The minimum cement factors were removed and no problems have been found in developing, placing and obtaining concrete for the desired strengths. In fact, the concrete strengths being specified in place today, have

increased in New York City. Intro No. 577 proposes to restrict cement contents in concrete for mixes of 14,000 PSI or less to 400 pounds of cement per cubic yard of concrete. Adopting the 400 pounds of cement will establish New York City as a model for green concrete in the country and perhaps the world, and we'll be able to produce a more durable and sustainable concrete with high strength. Again, every ton of cement produces a ton of carbon dioxide, a greenhouse gas. Some are saying that in order to produce high strength concrete, more cement must be added to the concrete mix. As stated previously, 800 pounds of cement was required in the previous Code, to produce 5,000 PSI. Today, we are achieving concrete strengths of 5,000 in New York City with significantly less cement. At the World Trade Center, Tower I, we used a concrete mix with 300 pounds of cement that produced a strength in excess of 16,000 PSI in production. This is not laboratory data, this is real data. The mix did contain 580 pounds of supplementary cementitious materials, for a total cement content, cementitious content of 880 pounds. Cementitious

materials, the binder in the concrete that gives it, gives it its strength. It includes cement, and what we refer to as supplementary cementitious materials, such as fly ash, slag cement, and silica fume. Large quantities of cement in a concrete mix during the summer can prevent the concrete from achieving the desired strength, due to the high temperatures that can develop in place. It can be said with certainty, high cement factors can be detrimental to high strength concrete, because of the heat produced during hydration. The proper substitution of fly ash, slag and other pozalins for cement, will enhance the strength and durability of concrete. In order to produce durable, sustainable concrete for our transportation infrastructure, port facilities, parking structures, it is absolutely necessary to substitute these supplementary cementitious materials for cement. During the past cold winter, construction continued on Tower I at the World Trade Center with no shutdown. We placed 14, 12,000, 10,000 and 8,000 PSI concrete for sheer walls, columns and beams. They had a maximum cement content of about 300 pounds. At no

time was the speed of construction adversely impacted by these concrete mixes. During the past winter, forms were being stripped within 24 hours of a pour. At the World Trade Center Memorial, we used a mix with 350 pounds of cement for slabs, that were ten inches thick, without any delay to the contractor. We just completed the reconstruction of the second longest runway on the East Coast, the Bay Runway at JFK with 250,000 cubic yards of concrete, were placed in only three months. The concrete mix proportion used had less than 330 pounds of cement. The recommendations to limit the cement content to 400 pounds is based on hands-on experienced at the Port Authority, not just laboratory mixes. The Port Authority has many projects where concrete was used with cement contents less than 400 pounds, and the desired results were obtained. However, I would recommend allowing higher than 400 pounds of cement in concrete mix proportions for thin slabs less than eight inches thick, cast during the summer months--excuse me, during the winter months. And for structures, roadways, bridge decks, that need to be put in service within 24 hours of placing the

concrete. Some are of the opinion that adding accelerators to concrete mixes during the winter to increase strength gain due to lower cement factors, may increase cracking. This may be true, but adding additional cement to the mix will certainly increase cracking. The two day cycle is meant to accelerate concrete placement that is used in New York City commercial concrete. This usually produces concrete with cracks and other aesthetic issues. Intro 593, we endorse eliminating Table 1904.2.3, "Requirements for Concrete Exposed to Deicing Chemicals." The table provides restrictions of supplementary cementitious materials such as fly ash, slag and silica fume, that can be used, that, the quantities that can be used, but they seem to have little technical merit. The stated limits on supplementary cementitious materials are routinely exceeded in the industry, and produced the desired concrete properties. Some of said that the supplementary cementitious materials used today might not be available to substitute for cement in the future. To date, this has not been our experience; in fact, three years ago, we had

cement shortages. Had we had something like this in place, and the concrete producers had more familiarity with using these supplementary cementitious materials, there would've been less angst caused in the industry. The claim raised that fly ash may be declared a hazardous material has been an issue for the past 40 years. The basis for this claim is based more on political science than real science. I do not believe fly ash will ever deemed a hazardous material. There are ample quantities of Type F and C flash. Slag cement supplies are certainly adequate today, to meet industry standards. However, if this should change, and these materials are not available, the limit of 400 pounds of cement would need to be addressed. We endorse and support the recommendations made in Intro 603 to make our construction more sustainable, such as placing ten percent recycled concrete and aggregates in concrete mix proportions, with a compressive strength of 4,000 PSI or less; larger quantities than ten percent can be used, but is a question of quality control of the materials that will be incorporated into the concrete mix. And that's

what needs to be addressed in the industry before we, we go any further. This substitution of ten percent recycled material will have no effect on concrete properties at this strength level. Also, incorporating recycled asphalt concrete in aggregates for a total of 15 percent in our roadway base courses, has been a standard routine at Port Authority jobs for the past many years, and should be adopted. I thank you for allowing me to share with you the experiences I had at the Port Authority in producing a green and sustainable concrete. Thank you.

COUNCIL MEMBER GENNARO: Thank you, Mr. Bognacki, I just want to tell everyone here that Chairman, Chairman, Chairman Dilan is a Member of the Budget, Budget Negotiating Team, he had to run out for, just to participate very briefly in a meeting. He'll, he'll be back shortly. And I am acting as Chair until he returns. And what we'll do, I actually have some questions myself for you, but we'll let the rest of, the rest of the panel proceed, and then when the panel is done, I'll pose some questions. And next, it's a pleasure to recognize Russell Unger.

RUSSELL UNGER: Good afternoon, Acting Chair Gennaro. My name is Russell Unger, I'm the Executive Director of Urban Green Council. And I was chair of the New York City Green Force Taskforce. And let me begin by thanking the Council and the Mayor's Office for all their work on green construction codes. The Taskforce released its report a year ago February, and since then some were on the order of a quarter of what we recommended has been put in place, either through legislation or agency action, or even the federal government seemed to be listening and passed a couple laws that saved us some time. And many, many of our recommendations were incorporated into PlaNYC. And I'd also be remiss if I didn't of course thank the hard work of everyone on the Taskforce and actually didn't even realize Cas would be able to make it today. We're very lucky, he's the one of the really experts in the country on concrete. And to thank the real Estate industry, because all this, all that we've been doing has been in cooperation with them. So, I'm here to testify in support of the bills. You know, there are, you know, this is a first

hearing, there's lots of technical issues that need to be worked out, and more conversations. These are all derived from proposals from the Taskforce, and I think what you've heard today is that, you know, there's consistent general support for the main elements in these bills, and there's lots of details still to be worked out. You know, together, these bills are going to be improving indoor air quality, reducing greenhouse gas emissions, reinforcing the City's position as an environmental leader, and all with one exception at pretty much zero cost, which his pretty nice, nice order for almost zero dollar bill. I'd like to draw attention, just mention a couple bills. I'm going to skip comments on the concrete bills, 'cause Cas did such a good job on that. And so I'll comment just on the, briefly on the VOC bill, Intro 585, and mention a couple, make a couple comments about 576 on concrete washout. Just to emphasize, on 585, deals with VO--volatile organic compounds from carpets and paints. You know, Laurie mentioned that they cause, they're irritants to the throat, and lungs, they can cause liver damage, kidney damage, damage to the central

nervous system, nausea, headaches. They're truly nasty things, are unnecessary, and for years the indus--all major companies have been making two lines of products, at least two lines of products. Either they have, you know, all low VOC products or those that, or if you're a major manufacturer, you might have some regular ones, and you'd have a line, it's this low VOC, there's really no reason, there's not cost difference between these products, they're readily available, there's really no reason why it's just a green project that when you walk into the room, that you aren't getting, you know, hit by all sorts of chemical fumes. So this is, this is really a no-brainer, and, you know, and would position the City, again, as a leader, because I don't think many peop--many jurisdictions have done anything about carpets. I'll also just briefly mention Intro 576 on concrete washout. You know, there's, there's many ways, of course, at addressing an issue. It's true that it does seem like on the surface that washout water should not be sent to the sewers; yet it is. So, I think the question really is "What's the best approach to enforcing that, and

not making it happen?" One approach might be just to, you know, have DEP try and enforce this rule, which, where I think the burden really falls on the developers. The other approach, which 576 recommends, and the Taskforce recommended, would be, "Let's put this on the, on the concrete, the concrete mixers who are bringing their trucks, who are actually responsible for this. Let's give them a couple simple options to make this happen. We think that's the better approach, but again, you know, however, however the City wants to get to the end, you know, we support that, and you know, think it's important to have a conversation with the real estate industry. Thank you.

CHAIRPERSON DILAN: Okay, I'm back. Ms. Sung?

ANGELA SUNG: Good afternoon, Chairman Dilan, Members of the Housing and Building Committee. The Real Estate Board of New York, representing over 12,000 owners, developers, managers and brokers of real property in New York City thanks you for the opportunity to testify on these Introductions. We also appreciate that the City Council and the Administration have been

proactive in seeking our comments and in collaborating with us on these bills. Given the highly technical nature of these bills, consultation with a variety of engineers and ongoing conversations are critical to ensuring the legislation achieves its desired goals. We support the City's effort to create cleaner building codes in order to improve health and, the health and wellbeing of our residents. Therefore, we have limited our comments to issues in the construction timelines and safety. Our concerns include, on Intro 575, cost of different proportions. The proposed bill limits the amount of Portland cement per cubic yard of concrete in order to reduce the carbon emissions resulting from the manufacturing of cement. Concrete gains its strength from strategically proportioning a combination of materials, including water, sand, air, coarse aggregate, supplementary cementitious materials, and cement, and the proportions vary with field conditions, desired strength, weather and other factors. To strictly limit the amount of cement allowed in concrete may create higher demand for other cementitious materials, such as

slag and fly ash. These materials currently have a limited local availability and are often trucked in from nearby states, which may mitigate any lessening in carbon emissions from the reduction in cement. Also, with increased demand for a limited product, the cost of other cementitious materials may increase, resulting in higher construction costs. Pour cycle. Concrete with less cement takes longer to cure; therefore, this bill may delay the standard two day pour cycle used at most project sites. Project developers and managers spend a great deal of time and energy planning the, the construction logistics in which a delay of a day, in which a day of delay on construction site can cost hundreds of thousands of dollars between staff and materials. Delaying the construction cycle due to slow setting concrete could cost millions over the course of construction. A survey of REBNY members asked about their use of conc--of accelerants or chemical additives in concrete to make it set faster--I'm sorry. A survey of, we conducted a survey of REBNY members. The results found that during warmer weather, accelerants can be safely

used to speed up the concrete setting time requiring increased cost for the product, but these costs are not large enough to be prohibitive. However, while in colder weather, the accelerants can also be used, it is unknown what the effects on durability would be with the increased amount needed with less cement. We've also heard that the increased use of the accelerants may have negative effects on the rebar. Intro 603, "Availability of Recycled Aggregate." This bill intends to encourage the recycling of aggregate by requiring concrete of 4,000 PSI or less to use ten percent recycled materials. If availability is an issue, this requirement could cause costly delays; therefore, the bill should stipulate that recycled aggregate is only required if commercially and locally available. There are also additional recycled materials that could be included in this, in this legislation, such as recycled concrete masonry units. Origin and strength of recycled aggregate. The origin and original strength of recycled material impacts the strength of the new concrete, which I think was mentioned before. Recycled

aggregate that has an original strength much lower than its reuse, will have an effect on the final product. This bill makes an exception for concrete mixes intended to be used in the structures designed for the containment, storage and conveyance of water, sewage or other liquids. The last stipulation of other liquids is vague and leaves the bill open to interpretation. The regulation should clarify what "other liquids" mean, in order to lessen confusion. Intro 578, "Availability of Recycled Asphalt." This bill requires 20 percent recycled asphalt for asphalt pavement, increasing to 30 percent by 2018, which may create problems if there is insufficient availability of recycled material and possible delays during construction. This bill should also stipulate that the recycled asphalt is required only if commercially and locally available. Intro 585, "Onsite Versus Offsite." This bill limits the amount of VOCs on interior finishes, trim, decorative materials, and adhesives and sealants. These restrictions should be limited to materials that are applied onsite. Many of the materials used in construction are prefabricated, making it

difficult or impossible to monitor and track the VOC content of every material used. Existing finishes that contain VOCs above the recommended amount should be exempted from this bill. In order to - - the current look of such buildings as interior finishes, trim and decorative material, the same color and brand of product should be used unless total remolding is occurring where the finishes will be changed. Thank you again for the opportunity to comment on these bills. We look forward to continuing our conversation with the Administration and the City Council to create legislation that encourages both sustainability and development in New York City.

CHAIRPERSON DILAN: Okay, and I'll keep with the same questioning in, questioning what I may have one or two brief questions. But I'll defer to Council Member Gennaro.

COUNCIL MEMBER GENNARO: Thank you, Mr. Chairman. And I wish to thank this panel for some really good testimony. Mr. Bognacki, I am sure that you were listening to the REBNY testimony and< and with regard to intro 577, it looks like the consensus of REBNY with regard to

577 talks about certain materials that we'll use in place of the, of the current mix that's currently used, that these materials might have a limited local availability, and are trucked in from nearby states, and this, the cost of these materials may increase, higher construction costs is--and of course you've got this unparalleled background in all things concrete, it would seem. Has that been your experience? You didn't talk about that in your testimony and I don't mean to play like one witness off the other, but we have the benefit of having you here and thank you for being here. And you see the testimony of REBNY just like I do, and their positing that Intro 577 could lead to a shortage of these materials and lead to higher costs and, you know, you heard it just like I did. I was wondering if you could comment on that.

CAS BOGNACKI: Well, Councilman, you know, cements are not exactly local. You know, we, we've gotten cements from Greece, from China, from all over the world. So it's not like, you know, we import 'em from New Jersey. Or you know, from upstate New York. And there's very

little cement made here locally. We have not experienced any problem in getting fly ash now. There's, there's certainly loads, there's mountains, there's hundreds of tons of fly ash literally available in the Midwest, because it is a byproduct from burning coal, so there's--

COUNCIL MEMBER GENNARO: Right.

CAS BOGNACKI: --there's loads of coal. Slag's another issue, you know, that is not as, as plentiful as fly ash. But to-date we have not had an issue in getting any of these materials. Now, as far as the two-day cycle, the intent here is not to kill the two-day cycle in New York City.

COUNCIL MEMBER GENNARO: That was my next question, so, so thank you, because that actually is something that you did speak to in your statement, and if you could speak to it a little more now, that'd be great.

CAS BOGNACKI: You know, we, we were, I proposed that, look, if we're casting concrete during the winter, and we have thin slabs of concrete, they're not going to gain strength very quickly, and we should stick 100 percent

cement, I've made that proposal. And we're, we're discussing that. So, where we--

COUNCIL MEMBER GENNARO: Right, 'cause it would, this was the testimony of Laurie and Russell--

CAS BOGNACKI: Yes.

COUNCIL MEMBER GENNARO: --and yourself, so it seems like there's some consensus on that.

CAS BOGNACKI: So we're, we're on board there. Now, as far as if we have structural elements like columns and sheer walls and beams, that are thick, I don't see any need for keeping with these cement factors, because we have data, and I'd be willing to share 'em with, with the real estate industry, from Tower 1, where in 24 hours we had sufficient strength to strip the forms. It never held anything up. One thing we have to keep in mind, the cements today react very quickly. They're not the cements of old. So, 300 pounds of cement, you know, reacts pretty, pretty quick these days. And generates enough heat to kick the hydration process going good, and you get 2,000 PSI, in that range, 3,000 in 24 hours, and

away you go. So, I think we need to base our opinions on, on some data.

COUNCIL MEMBER GENNARO: Well, thank you. I certainly wanted to get your perspective on that, but I also have a history of working very closely with REBNY and the members of REBNY, and certainly wish to come to the best outcome in consultation with all parties. And so I thank REBNY for coming forward and making us aware of this particular concern. And the other part of the statement from REBNY with regard to Intro 578, with regard to the availability of recycle asphalt, and about how there could potentially be times when it may not be available, I guess, why don't I give this to Russell, because when you were with the Codes Taskforce, when this was being discussed, what was the general sense of whether or not the recycled asphalt would be locally available? And anyone else, also, after Russell speaks to this, that wants to chime in, that would be, that'd be great. So, how did that guy when this was being discussed?

RUSSELL UNGER: Well, I should also disclose, you know, Cas and Ed DePaulo, who Cas

represented, were Chairs, well Ed was the Co-Chair of the Materials of VOC Committee, and Cas one of the most active members. So, anything Cas will say overrules anything I'll say. But the discussion with the committee, no one saw this, any issue of lack of recycle aggregate for asphalt. The problem right now is we have too much of it. I think what--

COUNCIL MEMBER GENNARO: Yeah, if you could just speak into the microphone--

RUSSELL UNGER: Sorry.

COUNCIL MEMBER GENNARO: It's cutting out.

RUSSELL UNGER: I think what the real estate industry is, I think they pose as a question, it's issue to investigate, if you go from something that, say, the City's just doing, with its, with its roadways, to the whole industry is their potential issue there. But our understanding from the scale, you know, most of the asphalt being created in the City is by the City. So, our sense is it wouldn't be an issue, but it's a fair question to ask--

COUNCIL MEMBER GENNARO: Right.

RUSSELL UNGER: --and look at, but we don't think it's an issue.

COUNCIL MEMBER GENNARO: Because, as this becomes much more common practice, we want to make sure that we didn't put anybody into, into a box. Cas, you have something to say?

CAS BOGNACKI: My understanding is that we have more recycled asphalt today than we know what to do with. We have mountains of it, with no home for it. So, the more that we use it, the better off we'll be. There is absolutely more than we can use right now, without a doubt.

COUNCIL MEMBER GENNARO: But, but that kind of begs the question, in my mind, although I don't work in this field, if it's so available, like why aren't these entities using it now, if it's free, or if it's low cost and available, then why use virgin materials and not go to a local, cheap source and--that's what I'm trying to figure out if you could help me with that.

CAS BOGNACKI: Very good question. Well, number one, we mill many, many pavements. We're not into constructing new roads around New

York City anymore.

COUNCIL MEMBER GENNARO: We as a City or we as the Port Authority?

CAS BOGNACKI: We as the City.

COUNCIL MEMBER GENNARO: The City, okay.

CAS BOGNACKI: We are not into building new roads, we're basically milling existing roads and repaving them. So, we basically generate as much asphalt, as much milling, every time we pave a road. And we're certainly not reusing 100 percent of it. And I don't think, you can't, you cannot reuse 100 percent of it, it's just technically not possible. So, you're, with each milling, you're accumulating material.

COUNCIL MEMBER GENNARO: Right.

CAS BOGNACKI: With no home for it.

COUNCIL MEMBER GENNARO: But yet, certainly a fair question by REBNY, and when we put this forward, we'd be making this for all time, and so we have to kind of, you know, look further down the road. And Ms. Sung, if you have anything you wish to add at this point, I just--

ANGELA SUNG: Yeah, I think, again, you know, we're generally supportive of the concept of this bill. I think that it was put in as a contingency because, you know, the development right now is at a historic low, and we just want to make sure that this doesn't interfere with any construction schedules, you know ,if we are so lucky to have another construction boom, that we don't have legislation that impedes that, that progress.

COUNCIL MEMBER GENNARO: Well, that's a, certainly duly noted. And, but thank you, that's really what I had to ask, and very nice to make your acquaintance.

CAS BOGNACKI: Likewise.

COUNCIL MEMBER GENNARO: And the other folks, I, I know them already. You know, and so. [laughter] Thank you very much, and thank you, Mr. Chairman.

CHAIRPERSON DILAN: Okay, we've also been joined by Council Member Eric Ulrich, who is a member of the committee. So, I specifically, for Ms. Sung, I had similar questions to Council Member Gennaro. Your

testimony on several of the proposals, you cited supply as a concern. Do you have, or does your agency that you represent, have any practical experience with supply shortages on any of the items that you brought up? Or are you just generally citing concerns?

ANGELA SUNG: I think the one that we probably would note is the slag and the fly ash. That was noted to us that there is only a handful of supplier currently to New York City, and the increase in demand--what happens in a lot of these situations is that if the whole market has to move to an increased demand, there's a period of time where you have a shortage, while the market catches up with what you're asking the suppliers to do. And eventually over time it shouldn't be a problem because, you know, the demand will bring the market here, but what, you know, should there be a ramp up, or some sort of timeframe in which you tell the market that you need this much supply before asking them to actually abide by it. And so I think that that was generally our suggestion, where we had the concern.

CHAIRPERSON DILAN: Okay, and I'm not sure if you can answer this question, but do you have any idea of how many suppliers are available in the slag arena, or the concrete arena, that you specified? Do you have an idea how many players are in the market?

ANGELA SUNG: I've heard, and I'm not going to--

CHAIRPERSON DILAN: I won't hold you to it--

ANGELA SUNG: Yeah [laughs]

CHAIRPERSON DILAN: --I'm asking for an estimate.

ANGELA SUNG: But I heard that there were four suppliers to New York City.

CHAIRPERSON DILAN: Four suppliers. All right, so, just, and now open to the rest of the members of the panel, supply on all the items, it appears that asphalt, it appears that there's a glut of supply, and I heard no objection from REBNY about as--or maybe I did, but if anybody could just give me their opinions overall on supply on all the items, I'd like to see if they agreed with the Administration's position that

supply is readily available, whether you agree with that position or disagree with that position, I'd like to, you know, like to know, and if you could just briefly state why.

CAS BOGNACKI: I, I think that the suggestion here that the ramping up could be an issue, that's a possibility. I certainly don't know that to be true. But I would imagine that, with time, people would ramp up, and this will not be an issue. Again, there is again a limitless supply of fly ash. Now, would there need to be facilities set up to process this fly ash, yes. But the raw material itself, it's, it's limitless, what we have right now, in this country. The slag is not the case. We import some of the slag from overseas and we grind it up here. And we also import it already processed. So slag, not so. But again, I think, given an adjustment period, I don't, I don't--I don't know, I have no reason to believe this is an issue at all.

CHAIRPERSON DILAN: So, for, for slag, you do believe it is an issue for, for slag, potentially.

CAS BOGNACKI: It may be more of an

issue for slag. I'm not sure it's even an issue for slag. For fly ash, I find it hard to believe it's an issue.

CHAIRPERSON DILAN: I, you know, I don't like the idea that we create laws that allows us to import more from other countries, I'd like to see this stuff be used by domestic suppliers, but that's personal view. In terms of, you mentioned on another specific type of concrete, and you could tell me again, that some of these suppliers would have to retrofit their facilities. How, you know, how complicated is that? How cost effective or cost prohibitive is that? And how quickly can the manufacturers adjust, in your opinion?

CAS BOGNACKI: I don't believe I said that.

CHAIRPERSON DILAN: Oh, I thought I heard that.

CAS BOGNACKI: Retrofit their facilities, no.

CHAIRPERSON DILAN: All right, well you said--

CAS BOGNACKI: The concrete

producers, no.

CHAIRPERSON DILAN: You may have said something to a lesser effect? Or maybe I'm interpreting your words, maybe a little bit more stringently, but you tend, you tended to, I thought I heard that for a certain type, that some of the manufacturers would at least have to make some adjustments. Is that, do you foresee that, then?

CAS BOGNACKI: Well, you're talking about the concrete producers?

CHAIRPERSON DILAN: Concrete producers, sure.

CAS BOGNACKI: Well, the adjustments, I think, that concrete producers would need to make is not so much at their facilities as to, as to get on board, you know, with the new technology, new technologies that are out there, to use these supplemental cementitious materials. So that could be an education process. And again to, to become comfortable in using less cement in their, in their concrete mixes. That's what I meant.

CHAIRPERSON DILAN: Okay, okay.

CAS BOGNACKI: But not necessarily to retrofit anything at the plant.

CHAIRPERSON DILAN: Okay.

CAS BOGNACKI: It's just to become comfortable in using less cement.

CHAIRPERSON DILAN: And changing practice, yeah.

CAS BOGNACKI: And I think that is a culture change.

CHAIRPERSON DILAN: Okay.

CAS BOGNACKI: And that needs an adjustment. But I think there's many concrete producers that are really stepping up to the plate and doing great things today, compared to what was being done years, just a couple years ago. So, I don't see that as a big issue, you now, but I'm not a concrete producer, so you need to ask them.

CHAIRPERSON DILAN: Yeah, I intend, I intend to. Mr. Unger, any, any opinions on supply on any of the items?

RUSSELL UNGER: Well, I think if there is going to be a supply issue, I think Angela really said it, it's going to be an issue, we'll create a false supply problem if the, the

time period for these things go into effect is too short. You know, for, even for the, the legislation on, on VOCs in carpets and paints. People have supplies, they already have current stock. We have to make sure they have time to get that stock out. Stuff's readily available around the country for all these things, but we do need to allow enough time for manufacturers to ramp up, and don't create kind of an artificial constraint. And respect, by the way, to slag versus fly ash limitations and slag coming from overseas, my understanding is they're both options as alternatives, cementitious material. So you can use the fly ash, I don't believe you need to use the slag. So there's, we got the mountains of fly ash all over the place.

CHAIRPERSON DILAN: Okay. It's just, things that I need to get familiar with, and that's why I ask the questions. Anything else? Angela?

ANGELA SUNG: I think that our primary concern, which I said in the testimony, but it's again the one thing that we're most concerned about is that the two day pour cycle

remains in place. And so, given that there's a number of factors that go into whether or not that can work, cement being one of many, the other being weather and other materials that are include, we just want to make sure that the, the engineers have the flexibility to always meet that two day cycle.

CHAIRPERSON DILAN: Okay. Thank you all, for your time and testimony. Next we'll hear from Mr. Sylvester Justino, Mr. Richard Martin, and Mr. Frank Lore [phonetic]. And if you gentlemen could testify in the order that you were called, you were called, it'd be greatly, greatly appreciated.

[pause]

SYLVESTER JUSTINO: Good afternoon, Chairman Dilan, Members of the Committee, my name is Sylvester Justino, Director of Legislative Affairs for the Building Owners and Managers Association of Greater New York, otherwise known as BOMA-New York. We represent more than 700 owners, property managers and building professionals, who either own or manage 400 million square feet of commercial office space.

We're responsible for the safety of over three million tenants, and generate more than $1.5 billion in tax revenue, and oversee annual budgets of more than $4 million. Sorry, $4 billion. We commend the Bloomberg Administration for taking the lead of proposing a bold program to make existing buildings more energy efficient, and environmentally sustainable. BOMA-New York firmly stands behind the concept of greening our City, and we do that every day in the buildings we own and manage. BOMA-New York has been an active participant on the industry advisory committee of the NYC Green Codes Taskforce. We want to thank the Mayor's Office of Planning and Long Term Sustainability for allowing us to share our insights. And we know that by making buildings more resourceful, New York is taking the biggest step to achieving our sustainability goals, and remaining competitive as the business capital of the world. I wish to focus our comments on Intros No. 577, 578 and 585. And in regards to Intro No. 577, the proposed bill limits the amount of cement per cubic yard of concrete, in order to reduce carbon emissions from the manufacturing of cement.

We believe that the proposed bill may create a higher demand for materials that may not be available in today's marketplace. Also, the new materials used to make new concrete would have to be transported outside of New York City. This would not only increase the cost of concrete for our members, but might dilute the aims of the legislation which is to limit carbon emissions. Our members have expressed concerns that the use of less cement to make concrete may severely impact the timeline of construction. We believe that this legislation would delay the standard two day pour cycle used at most construction sites, and lead to higher costs on all projects. Our members have reservations that the use of less cement may not only increase, increase construction costs, but could impact the safety and durability of concrete used in fluctuating weather conditions. In relation to proposed number, Intro No. 578, the bill requires 20 percent recycled asphalt pavement, increasing to 30 percent by 2018. This bill, like Intro No. 577, may cause issues where there is insufficient supply to meet the demands of the marketplace, and

could lead to increased cost and delays. And in closing, to Intro No. 585, the bill that would restrict the amount of VOCs in interior finishes, trims, decorative material, adhesives and sealants, it deserves to be closely scrutinized. We believe that the legislation should target the manufacturers of our, of these products, not our members, who are unable to monitor or track VOCs. Furthermore, as our members carefully maintain the look and décor or their buildings, many which are pre-War, existing finishes that contain VOCs above the recommended amount, should be exempted from the bill. Thank you, Mr. Chairman and members of the Committee for allowing BOMA-New York to testify today. We look forward to working with the Administration and this Committee, and our industry partners, on improving this legislation and making a greener New York a reality. Thank you.

CHAIRPERSON DILAN: Thank you. Mr. Martin?

RICHARD MARTIN: Yeah, good afternoon, I'd like to thank the Committee. I am here on behalf of the Portland Cement Association

to testify with regard to Bill No. 577.

CHAIRPERSON DILAN: Okay, and even though I introduced you, if you could do so in your own voice, and then you can continue with your testimony.

RICHARD MARTIN: Oh, I'm sorry.

CHAIRPERSON DILAN: It's okay.

RICHARD MARTIN: My name is Richard Martin, and I represent the Portland Cement Association.

CHAIRPERSON DILAN: Got it, okay, please continue.

RICHARD MARTIN: All right, I'm sorry. And I'm here to, and with regard to Bill No. 577, a local law to amend the Administrative Code of the City of New York, and the New York City Building Code in relation to the maximum cement content. The Portland Cement Association represents all manufacturers of Portland Cement for projects built in New York City. Three of our member companies, Lehigh Cement, Wholesome Cement and LaFive [phonetic] Cement, have manufacturing plants in Glens Falls, New York, Catskill, New York, and Ravena, New York. The cement industry

employs hundreds of New York State residents, and supports hundreds of New York State working families. The estimated contribution of the cement industry to the New York State revenues is $664 million per year. I would also like to state for the record that the Portland Cement Association representing the industry that will be primarily affected by this legislation, if enacted, was not advised of this proposed legislation, nor given direct notice of this hearing. However, we do appreciate the opportunity to address the Committee at this time. In regard to sustainability, sustainability requires consideration of social, economic, as well as environmental impact of decisions. The proposal fails to consider the social and economic impact it will have. This arbitrary, prescriptive limit on cement content will often preclude using established concrete technology to optimize available resources for concrete mix designs used in New York City projects. We rely on concrete to provide a safe building and durable infrastructure that enable great cities like New York to develop and flourish. No one benefits by enacting

measures that potentially increase the economic environmental costs of concrete by reducing the constructability of durability of concrete. Most of the sustainable attributes of concrete are related to Portland cement. These include strength, durability, long life, safety, disaster resistance, and other aspects which are available all online on www.cement.org. Regarding the cement sustainability, while Portland Cement is responsible for only 1.5 percent of CO_2 emissions in the U.S., it is the essential material that makes concrete structures perform in a durable and sustainable manner for decades. Limiting the amount of cement used in concrete can impair the durability and long life of concrete structures. In many cases, the 400 per cubic yard limit would prevent concrete from being used as a construction material, resulting in less, and other less sustainable materials to be used. Portland Cement also uses industrial byproducts and waste materials, such as fly ash, slag, waste oil and tires, in its manufacture, preventing them from ending up in landfills. Cement makes waste materials into essential ingredients in our

infrastructure. The adverse environmental impact, it seems likely that this proposal is a misguided effort to reduce the environmental footprint of concrete used in New York City projects. Unfortunately, the net effect of failing to consider the effect of the proposal on availability, cost, performance and service life of concrete structures, may well result in an increase rather than a reduction in the environmental impact. Regarding construction, constructability, the limit fails to consider the role of cement contributing to the placement and strength development characteristics of concrete. There are attributes, these are attributes that enable timely removal of forms and safe loading of structural concrete elements during construction, and enable concrete construction to continue in cold weather. Lower cement contents mean that concrete will need to be heated longer in cold weather construction, resulting in increased emissions, cost and construction delays. Reduced strength gain will substantially extend construction schedules due to shortening, shoring and strength requirements, for continued

construction on virtually all multistory structures. The reduced strength gain and extended protection requirements for cold weather construction will add considerable cost due to construction delays and increased energy consumption due to heating requirements for early protection of the concrete. The increased energy use may erase and CO_2 reductions achieved by limiting cement content. The proposal would, would actually hamper the use of high performance concretes. High performance, high strength concretes typically with 600-800 pounds of cement per cubic yard, is desirable to allow the use of smaller members, and therefore less total material used, resulting in an economic savings. Limiting the quantity of cement per cubic yard will result in lower achievable strength designs, and therefore larger members will be required. Limiting cement per cubic yard may result in no savings and is a detriment to the final user. The last two pages attached is a simplified example prepared by PCA's Director of Codes and Standards showing the fallacy of blanket cement content reduction. And in this case, higher strength

concrete columns were more, with more Portland Cement per cubic yard, results in smaller columns, more net rentable area. A gross total of 16 percent less cement consumption and addressing the point of legislation, a similar CO_2 footprint reduction for these elements. Regarding strength gain, limiting the use of Portland Cement will reduce the rate of strength gain. This will possibly result in longer shoring periods, longer construction times, increased deflections, increased shrinkage and cracking, ultimate strength will also be reduced. A 400 pound per cubic yard maximum on cement content will place limits on the achievable strength of cement concrete mixtures in the 4,000 to 14,000 PSI range, with many sets of locally available materials. One should not govern any one component of a mix design. Concrete mix design should be based on the performance requirements of the project. One would not use the same concrete for sidewalks as one would use for a major load bearing column in a high rise building. The 400 pound limit does not allow the required flexibility in cement content to meet the

durability and design needs of a variety of structures. ACI 318 durability requirements mandate that concrete exposed to weather and deicing chemicals and/or seawater spray have a compressive strength of at least 5,000 PSI, which may be difficult to achieve on limiting cement contents. Now the extensive construction delays caused by the maximum cement content will damage not only the builder, but the building owner, as incomplete structures produce large losses in revenue due to the loss of use of the building. A store, factory, office building, etc., generates no revenue until it is actually occupied. This has the appearance of a limit that will cost jobs and an economic climate that is already very challenging. The cement and concrete industry has taken the initiative to improve the sustainability of what are basic material used in virtually all aspects of our built environment. This includes strides in reducing the environmental impact of cement manufacturing, and encouraging adoption of performance based concrete specifications that enable producer optimization of resources. Rather than implementing this flawed prescriptive limit

approach, we strongly recommend consideration of developing performance specification options, that would enable to concrete industry to most effectively provide sustainable concrete solutions. The last two pages are the example that we're submitting for high strength concrete. I don't think I'm going to have to read that, I'll leave that to you, for you to read. And I thank you very much for your time.

CHAIRPERSON DILAN: Thank you. Mr. Lore.

FRANK LORÉ: My name is Frank Loré. I'm Major Market Manager for Metro New York for LaForge Cement Company. We are one of the three importers of, of slag into the New York market. We are also one of the largest producers in New York State on millers [phonetic] and Ravena, New York. I'm here to support exactly what Dick has brought forward, and we trust in his good judgment and this document.

[pause]

COUNCIL MEMBER GENNARO: Sure. Thank you, Mr. Chairman. To the representative from BOMA, I'm sorry that I didn't catch your

name, but you know who you are [laughs], and I appreciate your testimony. And with regard to the preservation of the two day pour cycle, I think we've heard a lot of good--

SYLVESTER JUSTINO: Yes.

COUNCIL MEMBER GENNARO: -- testimony on that today. You know, from Urban Green and from the Mayor's Office, and from Mr. Bognacki, and REBNY. And so, it is certainly our intent to make sure that that is preserved. I know it's a very big deal, as it well should be. And I regret that anything we, that we may have put forward, you know, looked like we were trying to challenge or in any way compromise that fundamental tenet of the building cycle. So--

SYLVESTER JUSTINO: Well, Councilman, we are, you know, along with my colleagues, we, we want to be part of the process, and we look forward to continuing the negotiations and discussions about this legislation, to make sure that, you know, the two day pour cycle is intact and doesn't hurt the construction industry.

COUNCIL MEMBER GENNARO: Sure, sure, and we'll work to make sure that that is,

that that is maintained, and thank you for your--

SYLVESTER JUSTINO: We appreciate it.

COUNCIL MEMBER GENNARO: -- statement. And with regard to Mr. Martin and Mr. Loré, it sounds like a lot of your operations are in and around Green County, right? Isn't that where Ravena is?

RICHARD MARTIN: Ravena, New York, it's about 30 miles south--I don't know the county. It's--it's about 30 miles south of Albany. I don't know--

COUNCIL MEMBER GENNARO: Right--

RICHARD MARTIN: --you know what county that is?

COUNCIL MEMBER GENNARO: Yeah, I think that'd be Green County, yeah.

RICHARD MARTIN: Green County.

COUNCIL MEMBER GENNARO: And a county well known to me for many years, and, and certainly we want to be supportive of New York City and New York State. We are dependent upon some of the, many of the brainwaves that we've, you know, gotten from the Green Codes Taskforce

and from the Mayor's Office of Long Term Planning and Sustainability in crafting some of these proposals, we had the benefit of hearing from Mr. Bognacki earlier who, you know, brings a very good perspective to what we're trying to do here. But we--I just want you to kind of rest assured, to the extent that you can be rest assured, that every word of testimony that you've, you know, brought forward, and I, you know, thank you for bringing it forward and, and it was not, I didn't know that your organization was not included in some of the discussion that we've had on this. But your trip here today is by no means wasted. We heard your statement and you did provide these additional pages of technical information, which will be, you know, thoughtfully considered to the best that, you know, we as, you know, laypeople can and will, you know, try to bring in the appropriate experts to help us go through it, in consultation with other folks and from hereon, that would include you. And so, we certainly appreciate your presence today, and will be very, you know, mindful of the good testimony that you brought forward today, as we proceed. So, I

didn't really have a question, I just wanted to, you know, state that for the record, and we certainly appreciate your presence here today. And, and there you have it, for me. So, Mr. Chairman, I'm, with that said, I'm good.

CHAIRPERSON DILAN: Okay, first of all, I'd like to just start by saying to Mr. Martin and to Mr. Loré, certainly we're glad that you're here. Obviously, there's no disrespect intended to the fact that you weren't directly notified. We just maybe did not have your direct information, it might be the first time you appear before this Committee, so we would've had no way of knowing who you are. However, we would have liked to think that at least someone in this process would have spoken to someone in the concrete industry--and it may have happened, I don't know if it did or did not, so I can't speak to it--would have spoke to you regarding these issues prior. That being said, you know, these bills are recommendations to the City Council, and this is the legislative body that will be making the decisions on what ultimately gets passed and what doesn't. So that being said, I'm wide open

on these bills. I--You know, I'm glad that you're here, 'cause I could have a discussion with you from a technical perspective which I'm sorely lacking, and I'll be honest, you've heard me say that earlier. So, I'll start with the issues in and around supply. I've asked it to every other panel before this one, and I'll ask the same question. You guys specifically testified in regard to concrete, not, not asphalt, but if you want to speak to concrete only, you're welcome to do that. If you want to speak to supply of concrete and asphalt, you're welcome to do that, as well. So, I'd like to hear from you at this time on that regard.

FRANK LORÉ: I can certainly speak about the slag end of it. Ms. Bognacki said about supply and about mix designs, I think the current design adds for about 30 percent fly ash, slag and Portland cement. We produce 850 tons of slag per year, out of our Sparrow's Point, Maryland operation. It's in conjunction with the Big L Furnace, at Bethlehem Steel. As you know, it's a byproduct. So, the other two suppliers I believe are importing granulars, they grind 'em, one in

Camden, New Jersey, and one in New York State. Those are imported, two imported products. Our product is the only domestic one, as far as I know. 850,000 tons sounds like a heck of lot of , a lot of product. We do supply close to our production facility, and yes, when demand becomes great, we will not ship further. That's why the further out you get from a production facility, the less, the more it costs to get it to the furthest point. So, it just makes good sense to start there. And that supply can get eaten up rather quickly. And that could happen in New York State, it could happen anywhere. And to make these high strengths and to make these 24 hour strips, you can't, you can't do that with just fly ash and Portland Cement. You have to have silica fume and/or slag involved in it. So that, that could become a problem. Now, there's no problem, whatsoever. I mean, obviously the economy, there's plenty of everything laying around, there's plenty of mountains of asphalt, so there isn't a problem. But it can, it could become a problem. We, we produce from 1.5 million up to 2 million tons of cement in New York State. We have

two facilities, one in Brooklyn and one in Bayonne, that supply this market. It's our natural market. As far as cement is concerned, it's the first place our barges come by. They come by, they drop off in Brooklyn, they drop off in Bayonne, and we supply this area, and have done that since 1969. One of the most reliable sources in the country, it's right up in Ravena, New York. So, I mean, as far as the slag, I'm not talking myself out of business, but yes, there could be times when that slag can become a problem. Fly ash, as Cas said, there's plenty of fly ash. It's still an imported product, comes in by truck, it comes in by rail, it still has to come here. And there is some kind of a footprint left behind because of that. And just one of the other things that I'd like to say before I, you can give me what other questions you want--

CHAIRPERSON DILAN: Sure.

FRANK LORÉ: --The footprint that Dick referred to is 1.5 percent emissions, not five percent, nationally, and that was something I'd like you to try and correct. It's 1.5 percent CO_2 emissions, not five percent. And that's for a

lot of product that goes into a lot of buildings and places all over the country.

CHAIRPERSON DILAN: All right, so just, just so that, on that point, I'll hold on to that, because it appears that at least somebody in your company or your industry has done some environmental research in regard to this, and I'll, I'll try to get to that toward the end of the my line of questioning, 'cause I was, you know, thinking, or wondering if that had actually been done. Your answer leads me to believe that it has been done. So, in terms of supply, you, you feel like it would be a concern. You said you mainly supply the New York City market out of two facilities that are close by. Could you help me remember, was that for the imported product or was that for the product that, that--

RICHARD MARTIN: Domestically, we produce our cement in Ravena, New York--

CHAIRPERSON DILAN: Okay.

RICHARD MARTIN: --and take it down by barge.

CHAIRPERSON DILAN: Okay. And--

RICHARD MARTIN: But we, we have--

CHAIRPERSON DILAN: --and you serve the New York City market domestically from Ravena.

RICHARD MARTIN: Ravena and/or Whitehouse, Whitehall, New Jersey, Pennsylvania.

CHAIRPERSON DILAN: Okay, what other major cities and major markets do you serve from Ravena?

RICHARD MARTIN: From Boston to Jacksonville, Florida.

CHAIRPERSON DILAN: To, okay, so basically it sounds like the whole entire, the entire east coast.

RICHARD MARTIN: Yeah, we, we have 20,000 ton ocean going vessels, that go up to Hudson. We have the longest covered conveyor belt, comes out, puts the cement in these, in these barges, and then it comes down to silos, concrete silos, along the coast.

CHAIRPERSON DILAN: And correct me if I'm wrong, but you cited two other competitors. Was that for the entire portfolio of products or was it for specific product that you compete with these two other companies with?

RICHARD MARTIN: There's, there's

nine, nine brands that come into this marketplace.

CHAIRPERSON DILAN: Okay.

RICHARD MARTIN: Nine different cement manufacturers.

CHAIRPERSON DILAN: Okay.

RICHARD MARTIN: So, there is fierce competition for the product, there's fierce competition in its pricing, so there's always been, you know, there's always been. Three of, there are three more representatives right here, from the cement industry. And I, I guess they're going to introduce themselves.

CHAIRPERSON DILAN: Well, no, I'm not, I'm not looking at it--

RICHARD MARTIN: But it--

CHAIRPERSON DILAN: --from a competition standpoint, so to say, that's something that the private market would obviously work out. I'm looking at it from the perspective of, you know, the fact that it is competitive, one makes it better for the City of New York. But if you and your competitors all face the same problem in serving the New York City market, it becomes a concern. If, it sounds like you said, and I can't

tell if this is for all your product or for a certain type of your product, that you service from Maryland, and you go out. So, between New York City and Maryland, there's some major cities like D.C., Philadelphia--

RICHARD MARTIN: Right.

CHAIRPERSON DILAN: --Newark and, and the like. And those cities probably don't have, and I'm not sure, 'cause I haven't done any research, they don't have the same proposed regulation, maybe, before them, as New York City. So, in my mind that says to me it could potentially impact the New York market. Now, I don't think at the end of the day, the concrete industry walks away from the New York City market, but--because there's too much business to be done here; however, it could impact the market in that regard. And that's what it led me to believe. Do you disagree with that assumption or--

RICHARD MARTIN: Well--

CHAIRPERSON DILAN: --is there anything you'd like to correct or clarify in that assumption?

RICHARD MARTIN: The, the one thing

that I said was there were three producers of the slag product.

CHAIRPERSON DILAN: Of the slag product, - -

RICHARD MARTIN: There are nine producers of the cement product.

CHAIRPERSON DILAN: Okay.

RICHARD MARTIN: A lot of them are imports. Some are more reliable than others, but they're all here.

CHAIRPERSON DILAN: And it's the slag product that's produced out of Maryland?

RICHARD MARTIN: Yes.

CHAIRPERSON DILAN: Okay.

RICHARD MARTIN: And the, the two producers of the other product, bring in, bring in the product, one into Camden--

CHAIRPERSON DILAN: Okay.

RICHARD MARTIN: --and one into New York State, and they grind slag that they bring in from out of the country.

CHAIRPERSON DILAN: All right, so how do you, how do you, if we do this, how do you figure it impacts the, the New York City market?

How would your businesses and business of the like, as it relates to slag, how do you--

RICHARD MARTIN: Well, like I said--

CHAIRPERSON DILAN: --how do you think it affects the market?

RICHARD MARTIN: --the nat--the natural market, if you're, if you're delivering widgets or, or slag, you're natural market is where you make your most money, because of transportation. So, as economies heat up, and there's more consumed in that area, there's less to go further. So, if, if Maryland is heating up and D.C. is heating up, then the slag is going to be used closer to home. So it could become a problem. And it's not that, you know, New York City, the boroughs are probably a two million ton market, annually, they consume two million tons of cementitious in a great year, probably 1.2 million right now. So, it's always going to be an interest to all people to come here.

CHAIRPERSON DILAN: I would, I would imagine so. Yeah.

RICHARD MARTIN: But, as it heats

up, just like it heated up in China and all over the world, that's what caused the shortages. The imports weren't coming here, they were going where they got the better bang for the buck. So that, I don't know if that answered the question.

CHAIRPERSON DILAN: Okay, no, I think it helped me get an understanding. And again, I'm not, I'm not advocating either way, I'm just trying to get in a sense as to how the New York City market would be impacted. So, I want to, I want to take it back to the environmental research that you guys have done. Now, you, you've stated that currently there, there aren't any problems, but that's from the supply side. From the environmental side, you know, I think the whole planet has the responsibility to look at things from how do we become more efficient and environmentally friendly. And the statistics that were given weren't statistics for the New York City market, it was for the, I believe it was globally, if I'm, if I understand correctly.

RICHARD MARTIN: It's for the United States, it's, they had claimed that it was five percent, but it's actually 1.5 percent.

CHAIRPERSON DILAN: For the U.S.

RICHARD MARTIN: The emissions.

CHAIRPERSON DILAN: Yeah, and that may be accurate, but I think the number that was cited was the global--

RICHARD MARTIN: Okay.

CHAIRPERSON DILAN: --was the global percentage. So we can certainly take a look at the United States standard, which we're directly responsible for, and see if the numbers match, and I would assume that they probably would. Could you maybe enlighten us with, I guess generally, what your environmental research shows on how we can improve the quality of a product, of the product, from an environmental standpoint? And if you have any documents you'd like to share with the Committee on what your research finds, you're welcome, you don't have to, but you're welcome to submit that to us, and we could take that into consideration, as well, as we move forward on the bills.

RICHARD MARTIN: [speaking to colleague] - - PCA, you can get that?

FRANK LORÉ: Sure, yeah.

CHAIRPERSON DILAN: Yeah, and it's, again, it's your prerogative, if you want, if you care to, you can; if, you know, you choose not to, that's again your prerogative. But we'd like to at least see what, what you have, so we can take that into account.

CHAIRPERSON DILAN: Well, I'm sure we have--[background voice]

RICHARD MARTIN: There is significant information on the PCA website, which is www.cement.org. Also, as far as sustainability, we would be looking to give you information not only on ready-mix concrete, but also on pervious concrete, which could be used in place. And when we talk about pervious concrete in 400 pound limit of cement, that pretty much eliminates pervious concrete. So that, the and when you're in your deliberations, you would need to address that, too.

CHAIRPERSON DILAN: Yeah, I think that there's a lot that, that we're going to need to figure out, like for example, what is pervious concrete? I mean, what is that? How do we [laughter] you know, how do we--Hey, I'm not going

to pretend to, to know, and it's the difficult position that--

RICHARD MARTIN: Yeah.

CHAIRPERSON DILAN: --the difficult position that we have is that we have to be experts on all things, and you know, if I knew the concrete as well, I'd probably be in the audience, and not behind this dais. But I'm required to at least ask, so I can get some general understanding. So, if you could enlighten me as to what that is, I--

RICHARD MARTIN: Well, pervious concrete is a concrete used, primarily used on sidewalks, that retains all site water. So that it has no impact on, on the New York City drainage system. Most, almost, almost 100 percent of the water on site, either by rain or whatever, retains on site, it goes through the concrete, the pervious concrete and through the, the underlaying are--underlaying levels of gravel underneath the stay on site.

CHAIRPERSON DILAN: Okay, so and Mr. Martin, you also stated in your testimony that, since you touched the subject of sidewalk

concrete, that, and it seems to make sense to me, but not being a concrete expert, I want to, want you to elaborate a little bit, that you wouldn't use the same type of concrete to, I guess fill a sidewalk or to, to, to use for a major support column, in a building, I guess. Could you, could you highlight beyond the obvious reasons, why you wouldn't do this?

RICHARD MARTIN: Well, mainly, mainly it's economic, because you certainly don't need to spend the money for a sidewalk that you would need to spend for a structural column. The other thing is that when we talk about a site concrete or sidewalks, I would be more concerned with air and training, than I would be with compressive strength, particularly a member that's only going to receive foot traffic. The durability of a sidewalk primarily depends on the, on its ability to withstand freeze/thaw cycles. Air and training add mixtures or air and training within that concrete, helps it go through those multiple freeze/thaw cycles without damaging the surface. So I would not use, there would be two different types of concrete that you would use.

On a, on a high strength column, we would probably be in a no air situation, and in a sidewalk construction, we would be somewhere between six and seven percent air, air and training.

CHAIRPERSON DILAN: All right, so, so help me understand, how will the, how are any of the concrete bills before this Committee today flawed in the regard that you just mentioned? Or flawed in the example that you just mentioned? If at all.

RICHARD MARTIN: I didn't hear of any.

CHAIRPERSON DILAN: Okay.

RICHARD MARTIN: Flawed regarding that.

CHAIRPERSON DILAN: No, that, that's, that's--

RICHARD MARTIN: Did you hear? No.

CHAIRPERSON DILAN: That's fine, but you know, I also asked because if, if you had, say an attorney that you, your company hired or is an attorney that is employed by the company, whether inside or outside, and they took a look at the bills, and they found that to be the case,

it's something that we'd obviously like to, like to have known.

RICHARD MARTIN: Well, I think the industry is trying to move away from prescriptive specifications.

CHAIRPERSON DILAN: Why so?

RICHARD MARTIN: Because we would, we would much rather give a specif--a supplier product designed for an individual product, individual project. Each project is not the same, each supplier is not the same. There is--

CHAIRPERSON DILAN: So--

RICHARD MARTIN: --we just like to get away from that prescriptive specification.

CHAIRPERSON DILAN: On a construction site, who makes that general determination? Is it the architect or engineer?

RICHARD MARTIN: Typically, well, it would depend. There's a multitude of people who will make those decisions. For the structural end of it, the structural engineer, for the architectural end of it would be the, the architect. And for the landscaping side of it would be the landscape engineer.

CHAIRPERSON DILAN: Okay. All right, I just asked 'cause I have to imagine that there were plenty of architects and engineers that were part of the council that constructed these codes, so you know it's just good to know the industry's position from a practitioner's standpoint, and I don't know how many practitioners were involved. And for the rest of the audience, that's the reason for my line of questioning, because I obviously want to make sure that, you know, we hear equally from the opposition of the bills. I'm pretty sure that I'll have other questions of you, I do have your contact information. If we do, either myself or counsel to the Committee, or someone employed by the Council will reach out and try to hash out any concerns or get opinions if, if necessary, as we deliberate. So I'd like you to, to thank you all for coming, and providing your testimony. We'll take your--

RICHARD MARTIN: Thank you.

CHAIRPERSON DILAN: -- recommendations into consideration. Thank you all.

RICHARD MARTIN: Thank you.

CHAIRPERSON DILAN: Okay. I have Mr. William Lyons, Donna Ruder [phonetic], and Paul Brooks. [pause]

WILLIAM LYONS: I do not, make--I said I would not make comments, but I'll be glad to make comments.

CHAIRPERSON DILAN: What's your name?

WILLIAM LYONS: William Lyons.

CHAIRPERSON DILAN: Okay, you're here, so do you wish to testify? You don't have to, it's, you certainly signed up to testify, that's why your name was called.

WILLIAM LYONS: Oh, okay, then I was not, no.

CHAIRPERSON DILAN: It's your prerogative whether you want to or--

WILLIAM LYONS: No, I'll--what I'd like to do is I'll testify at the next hearing.

CHAIRPERSON DILAN: Okay. Well, will there be another--? [background voice] All right, well just, I'll just inform you that there may not be another public hearing, at this point,

but so I just want to let you know ahead of time. Okay, so is, I guess I take another person on this panel. So then I'll call up ... Sal Basil. Sal? [background voice] All right, well when he comes back, you can just instruct him to [background voice] Okay, so, all right, in general, if, if you don't want to speak, just let me know. I know there might be some first timers here, but the appearance cards are for those who do want to testify. So, Gardner, Gardner Cavanaugh? Do you wish to speak on these items? [background voice] All right, well, it's your prerogative to speak or not to speak, you don't have to if you want to. But if you do, you have to come up and do it from the, from the dais. Okay, we'll begin with Donna Ruder, and then we'll go to Mr. Brooks, and then [background voice] Mr. Cavanaugh, and then let me ask, is there a Joseph Ferrara here? Do you wish to speak on the agenda today? Okay, so we will, you'll be immediately following this panel, we'll call you up at that time. Okay, Ms. Ruder?

DONNA RUDER: Good afternoon, Chairman, thank you for the opportunity to speak. My name is Donna Ruder, and I am President of Old

Council Precast Building Systems Division, we're a precast/prestressed concrete manufacturer based in Albany, New York. We manufacture products in a controlled environment in Albany, New York, and ship the majority of it into New York City. And when we are in New York City installing product, we are utilizing local labor to assist us in that function. I am also here representing PCI, which is the Precast/Prestressed Concrete Institute. I am the current chairman of PCI. They are a technical institute for our industry, the prestressed industry, based in Chicago. They represent about 250 certified producers of precast/prestressed concrete products. Of about, about 50 of those at any given time would be shipping product into New York City. I'm here because I have major concerns about the proposed amendment to the local law, limiting the amount of cement to 400 pounds per cubic yard of concrete. In our business of prestressing, we require next day strengths of 3,000 PSI in order for the strand bond to work, and the prestress to work. And next day is not 24 hours, it's from end of shift the prior day in the factory until maybe 4:00 or 5:00

o'clock the next morning. The way a prestress operation works, and the only economical way to make the business work, is to turn forms every single day. We cannot do that with 400 pounds of concrete. We, we're a relatively young industry, prestressing only started in the late '40s or early '50s. And, but we do a lot of best practices and research within our industry, to optimize our mix design. So, in an, in essence, we are self-policing as far as the amount of cement that we use in our mixes. We're always trying to minimize the amount of cement because cement equals cost, and it's an extremely competitive industry. So, you know, obviously we would want to use as little cement as possible in our products, but still meet the strengths required to be able to detension the strands the next morning. So, if we were forced by specification to further reduce the cement content in our mixes, I would see us increasing the use of curing fuels, to be able to get strength that following morning, to be able to turn our forms every day. The other option would be that we would have to have more forms, meaning, so we

wouldn't turn them every day, we might have one set of forms that we turn every other day. But this would mean a larger factory, which is going to require more energy to run. So, I think that when we're talking about emissions and sustainability, the big picture needs to be looked at and a broad brush approach does not really work. For example, the use of prestress can save a project a couple of weeks per stage over perhaps a poured in place job, because we're making this offsite, while the general contractor is doing his excavation and then we just bring it in and erect it rather quickly. So, you know, that means fewer onsite workers, and fewer people driving to a jobsite every day, in their cars, burning gasoline, and for a shorter period of time. So, I think we need to look at the whole picture and not just what the emissions are from a cement producing plant. PCI, the Precast Prestress concrete Institute is currently refunded through our research and development allocation a LCA study, Lifecycle Analysis, on precast prestress concrete from cradle to grave. And we, we've done the first phase, and we're in phase two right now.

So our industry is, we are researching how sustainable, we're doing research on how sustainable precast concrete is, so that we have data to back up what, you know, what we think our level of sustainability is. The other proactive thing that PCI is doing is we are rolling out a green plants program. So, in addition to being certified by the Institute, to say that we're making a quality product, the Institute is now going to certify plants to say that they're making a quality product in a sustainable manner. And that will include things like using recycled aggregate and recycled water. So, we don't think specifying a reduced cement content is the proper approach, as I said it's too broad brush. In fact, no two mix designs are ever alike, and are dependent on the local sources for cement and aggregates. I think a better approach would be to have the, the designers make sure that the strength requirements they are specifying for the concrete are not broad brush. So, for example, a sidewalk would need one strength and maybe building components would need a higher strength, rather than being as broad brush. And we may be

able to reduce cement content based on reduced strengths in the specification for the concrete. In summary, our industry appreciates the fact that this amendment to the local law would reduce emissions from cement production, and we appreciate the need to minimize emissions wherever possible. We just don't think that the implications of this change and what they would mean to the industry and the local economy are fully understood at this point. So, I, I would just ask that more research is, is done on this. The Precast Prestress Concrete Institute has technical people. If you would like to reach out to them, they'd be more than happy to assist you with any information that you need. Thank you very much for your consideration.

CHAIRPERSON DILAN: Thank you. Mr., Mr. Brooks?

PAUL BROOKS: Yes. My name is--

CHAIRPERSON DILAN: Turn on the mic, yeah.

PAUL BROOKS: Oh, you on? Okay.

CHAIRPERSON DILAN: Yeah.

PAUL BROOKS: My name is Paul

Brooks, and I am Manager of Technical Services for Wholesome. We are one of the world's largest producers of cement, as well as slag. The area that I cover, that I'm very well familiar with, is, is Maine to Virginia to Pittsburgh, Buffalo. Okay. First off, I would like to defer to Mr. Martin's statement and, and support his points of view that he made. What I'd like to do first is talk a little bit about the supply of slag that's been brought up. We produce about 600,000 tons of, of finished product in Camden, New Jersey. When, when we, the plant's been there for about ten years. Over the last ten years of history, we distributed quite a lot into Buffalo, or not Buffalo, Boston, New Hampshire, Maine, Connecticut, Rhode Island. In these last ten years in spite of the, the last two years of construction decline, we have decreased our market just because as, as Mr. Loré said before, we were able to sell more in a local, in the local market, thus eliminating transportation costs, along with the environmental detriments of doing so, of transporting. Now, and so, our distribution has, has shrunk, and as little as two years ago, we

were on allocation to certain customers, particularly up in, up in New England, again farther from our plants. Now, let me just say another thing is slag is a two step process. You first, it's a byproduct of the steel manufacturing, and you process that by quenching with water, cooling it very fast, which makes it reactive, which makes it like a cement, like a Portland cement. And then, and then you take that and grind it in another area to a fineness, finer than cement. Now, what we do, in producing this plant or having a five year plan, marketing plan for this plant, we couldn't find any domestic granules in the U.S. that certainly worked for the east coast. So, we get it from Italy. There's a big steel manufacturing facility in Southern Italy. Now, this is also owned by our, our company. When we bid this, it's not just New York State, New York City bidding it, we, when we make a contract to buy these granules, we bid against Africa, we bid against Asia, we, we bid against Europe, and South America. And some, some even in North America. So, you know, it's not just what the market is here, it's where it is really in the

world. And as, as more continents, countries, are astute in the environmental things we're discussing today, the demand for that goes up all over the, all over the world--for our particular product, not for just something off in China, not just something off in Brazil. It's the product that we bring into New York . So, anyway, I, and even from the, even from the domestic side, if say Boston, Washington, Philadelphia, takes on this, this, these policies, that just enhances the demand. And, again, will, but not even just, again, not even just Philadelphia and Washington, Paris and, and Sao Paulo, any, anywhere, it's going to, it's going to crimp this demand, raising the prices up. So. Anyway. That's, that's what I wanted to discuss as far as the supply side. One other thing, from the, from the cement side, currently there's a, there's a, a lot of discussion, there's been a lot of research on substituting Portland cement with 15 percent limestone. What this limestone, this, this limestone is a, is an inert material, it's, it's limestone ground up to very fine, and it's, it's blended with Portland cement, and what you have is

you have a, you have a good strength and durable cement product, but you also have good, good finishing characteristics because of the fineness. So, I mean, in this situation, you know, 660 pounds of cement would be 570. Thinking off the top of my head here, but nonetheless, this will, we hope it was, it was looked at in the American Standards and Testing Materials, ASTM, and the State Highway People, they're looking at it this August. We, we could have a industrial legislation, let's say, by the end of the year, which will in fact take that 660 pounds of Portland cement and decrease it just from this process alone. So, in that aspect, you know, you are cutting down on the, on the carbon footprint. But, the most important thing is it's, it's blended at a mill, it's the manufacturer can blend it to its own specs, and its own performance characteristics. So, thank you.

CHAIRPERSON DILAN: Thank you, Mr. Brooks. Mr., Mr. Cavanaugh?

GARDNER CAVANAUGH: Okay, I'm Gardner Cavanaugh, I'm a Sales Manager for Lehigh Cement. I didn't come prepared with any notes or

anything, but I just wanted to address your group, and I thank you for the opportunity. We have, we're one of the cement producers in this area. We have plants in New York State and Pennsylvania, and, in Maryland, as well as, you know, other places in the United States, as well as being owned by Heidelberg Cement, which is a German company, has facilities all around the world. So, we, we produce cement, we also produce slag. So we're one of the three that Mr. Loré mentioned before, just as Wholesome is. So, I also wanted to reiterate our support of Richard Martin's testimony earlier, and we're in footstep with him. So, that's pretty much it.

CHAIRPERSON DILAN: Something wrong with my mic today. So, I--You know, thanks for touching on supply, 'cause that's some, that's obviously a place where I was going to go, so you saved a little bit of time. However, Ms. Ruder, I guess your, your business is a little bit different than everybody else, because apparently you do it precast or readymade for your customers. Is that, I guess just, in general terms, correct assessment? Or--

DONNA RUDER: Yes, what, what we do is instead of pouring concrete onsite, we make, we manufacture it offsite in a, in a factory. My factory happens, that serves this area, happens to be in, right outside of Ravena, New York, actually. And then we put it on a truck and ship it down, and then it gets erected right off the truck. We do--

CHAIRPERSON DILAN: So--

DONNA RUDER: Sorry.

CHAIRPERSON DILAN: No, go ahead, I'm sorry, I should've let you finish.

DONNA RUDER: No, I was, I was just going to say, it gets erected, you know, very quickly, and with very little site disturbance.

CHAIRPERSON DILAN: So how, just generally, help me understand, I know it's not really a subject of the Committee hearing, but if it'll help me understood the business a little bit better, I could understand better how you're, you're impacted by the legislation.

DONNA RUDER: Okay.

CHAIRPERSON DILAN: So your, your product is shipped, I guess to certain specs for

your individuals customers? Or is it, is that how it's done, or do you put it in some, how is it done?

DONNA RUDER: Well, typically what happens is--

CHAIRPERSON DILAN: In terms of the needs of the customers.

DONNA RUDER: --an engineer of record designs a building, and it calls out precast concrete. So, we'll get a copy of those drawings and we will prepare our own drawings and product according to those drawings and the specifications. And we're, we are actually a customer of, of Lehigh, we purchase cement from, from Lehigh, and that is incorporated into our concrete mix.

CHAIRPERSON DILAN: Okay.

DONNA RUDER: And so, we batch it ourselves, at the plant, we have our own batch plant. But instead of delivering it in a truck to a jobsite, and pouring a floor on a jobsite, we just deliver it in our plant, and we pour safe floor slabs, for example, or walls.

CHAIRPERSON DILAN: So you do 'em

generally customized for each individual customer, you do 'em to spec. Is that--

DONNA RUDER: That, that's correct. We have no--

CHAIRPERSON DILAN: Okay.

DONNA RUDER: --we don't make anything to stock.

CHAIRPERSON DILAN: Okay, no, that, that's what I was trying to--

DONNA RUDER: Yes.

CHAIRPERSON DILAN: --trying to get at.

DONNA RUDER: Yeah.

CHAIRPERSON DILAN: So, you seem to think that it would be almost impossible for your business to meet the PSA require--PSI requirements in the legislation, under your business model. Is that--

DONNA RUDER: Yes.

CHAIRPERSON DILAN: --a fair assessment for me to make?

DONNA RUDER: I think what I'm saying is, we cannot get next day strengths using 400 pounds of cement. Next day strengths are

critical to our business. There would be, you know, we would not be in business if we weren't turning forms every day. We need to do that for economic reasons, and also to keep up with customer schedules.

CHAIRPERSON DILAN: Okay. So, then, you, so what you're saying then is just for my general understanding, is that you wouldn't be able to meet the two day requirement, and, and the two day pour requirement that maybe some of your customers may demand?

DONNA RUDER: Yeah, see, the two day pour requirement really applies to poured in place building--

CHAIRPERSON DILAN: Got it. Yeah.

DONNA RUDER: But what I wouldn't be able to meet is what our industry brings to the table, and that is we can produce a whole floor of a building extremely quickly--

CHAIRPERSON DILAN: Got it.

DONNA RUDER: --bring it to the site, and get it erected in one day. So, we actually save time on a construction schedule.

CHAIRPERSON DILAN: Got it, okay, I

just needed to understand--

DONNA RUDER: Sure.

CHAIRPERSON DILAN: --your business model, because it appeared to be different than all the others.

DONNA RUDER: Yes.

CHAIRPERSON DILAN: And wanted to take that into, into consideration, as well. Okay. And I'll get to 'em. Just as, I guess for anybody on the panel, is it possible to achieve, in your opinion, and if it applies, the compressive strength required for building construction by using fly ash as aggregate binder for concrete; or, or is slag must always be used to achieve the required strength, if the use of Portland cement is limited? Is that, can anybody answer that?

PAUL BROOKS: Well, you know, cement, fly ash, slag, silica fume, pretty much gain the same strength. I mean, maybe plus or minus 20 percent, okay. But I guess the real issue is how, how long does it take to get to that level? So, Portland certainly is the fastest to get there.

CHAIRPERSON DILAN: Okay.

PAUL BROOKS: Slag might be second fastest. Fly ash, depending on what type it is, usually is the slowest of all. So, you know, that's the way it is. Then you add in colder, colder weather, and it just stretches those differences out.

CHAIRPERSON DILAN: Okay, so the issue is not the strength, it's the timeframe that, that the different products can get to, get to strength.

PAUL BROOKS: [interposing] Yeah, I think generally so. I mean, I mean when we, you know, you're talking about a 4,000 or 5,000 PSI mix, when you're talking Portland Cement, you could get that in 28 days. When you're talking, say, a high volume fly ash, that might take 56 or 90 days. So, you know, that affects schedules, as well. You can use more and more chemicals, as Cas said, but I mean, there's, there's a limit. And those accelerating chemicals are more hampered, the colder the weather.

CHAIRPERSON DILAN: Final, final question for me, and it's a question that I didn't

ask of the previous panel. Are there any concerns with the deicing legislation? Any concerns you have with that at all? If--

PAUL BROOKS: Not, not particularly. The o--again, the only problem is if you're pouring that, something that's exposed to deicing salts, and you pour it too close to the winter, you're, you have a lot of water in it already, the cement/fly ash/slag hasn't developed strength yet. And again, it's the same thing I just talked about. Rate of strength gain. If, if you pour it in October with, with 50 percent slag and 30 percent fly ash, and it, and you have freezing in November, you're going to have some issues. If you, if you poured it all with cement in October, by November you'll probably be, you know, you'd be in much better shape.

CHAIRPERSON DILAN: Okay. Thank you. Council Member Gennaro?

COUNCIL MEMBER GENNARO: Than you, Mr. Chairman, and I thank this panel for giving us the benefit of your views. And earlier in the hearing, we heard from the various entities that were proponents of 577, but even they said, "Look,

we have to figure out a way under, you know, certain kinds of temperature conditions and if people need access to it right away, we have to be able to do more than, you know, 400 pounds, so that we can preserve the two day cycle and all that." So, there's a recognition that there are circumstances where the 400 pound just wouldn't, wouldn't work? And then, and, and that has to do with temperature and some other things. But getting back to the, sort of like the precast model that you have, and pardon me for, I lost your name here, but--

DONNA RUDER: Donna Ruder.

COUNCIL MEMBER GENNARO: Thank you. Presumably, the casts that you're making are under kind of a controlled temperature condition 'cause they're not outside, right? And so, I'm just trying to figure out how, what we would be doing and contemplate, what we'd be doing and contemplating to help the folks that pour the concrete onsite, you know, maintain like the two day cycle and all that, why those things, you know, wouldn't apply to you because you don't have the same temperature variations and that kind of

thing. And so, I--and again, I just have to say that this has been a very, very challenging hearing for myself and the Chairman, and I thank him for all his questioning, and I think there's really recognition, at least for me, that there's just like a lot more homework that we have to do to get to a good result. But, with that said, just try to help me--

DONNA RUDER: Okay.

COUNCIL MEMBER GENNARO: You hear me stumbling, but I think you know what I'm trying to ask you.

DONNA RUDER: I think I do. One of the major differences in what we do, as compared to poured in place, is we use prestressed as opposed to mild reinforcing steel. Like if you go to a jobsite, you're probably used to seeing a poured in place, maybe floor, and it would have some rebar or mesh, before they put the concrete in, it's all tied together.

COUNCIL MEMBER GENNARO: Right.

DONNA RUDER: Per, per some design, right? So, in our products, we don't do that. Instead of using mild re--what they call mild

reinforcing, we run prestress through the product, so it means we run strands that get pulled and stressed before the concrete is poured on top of them.

COUNCIL MEMBER GENNARO: Mm-hmm.

DONNA RUDER: And what happens is, when the concrete bonds to those strands, we can release the tension on the strands, and that's what gives our structural member its strength. So, what that can do is you can actually span much longer spans in a building, without having to have a column underneath.

COUNCIL MEMBER GENNARO: Oh, I see.

DONNA RUDER: Okay. That, that's one of the, you mean, mean benefits of, of prestress, as opposed to something that's mildly reinforced. So, it can take a much heavier load for a longer span. And so our major issue with the lower cement content is that we're not going to get strand bond the next day. We, you know, I don't know if we'll get it at all. I mean, it's, it's--that's one of the quality issues in the industry, is strands--

COUNCIL MEMBER GENNARO: Right.

DONNA RUDER: --you cannot have any strand slippage, or the, you know, the piece doesn't work--

COUNCIL MEMBER GENNARO: Right.

DONNA RUDER: --from a structural--

COUNCIL MEMBER GENNARO: Okay, well, let me ask this, then.

DONNA RUDER: Uh-huh.

COUNCIL MEMBER GENNARO: There is a, you know, folks that pour concrete in place, and those that do the precast, that'd be sort of like the term of art for what you do, right?

DONNA RUDER: Right, prestress, yeah.

COUNCIL MEMBER GENNARO: Prestress, okay.

DONNA RUDER: Right.

COUNCIL MEMBER GENNARO: And so just like the total volume of concrete that is, I don't know, poured or put in place, if this is like the, you know, universe of concrete, that gets poured or done or by whatever method, whether done in place or whether prestress, how much, like what percentage of all the concrete that's sort of

put out there in the City would be via your method? Is it a big chunk? Is it a small chunk? Or--?

DONNA RUDER: We actually have prestress in general, across the United States, has a fairly small market share. However, New York City is one of our major markets. It's still fairly small, compared to--

COUNCIL MEMBER GENNARO: It's still specialized. You know--

DONNA RUDER: Yes.

COUNCIL MEMBER GENNARO: --it's still specialized.

DONNA RUDER: Yes.

COUNCIL MEMBER GENNARO: Because what I'm--where I'm going with this, Mr. Chairman, you know, not to, you know, bring our backroom discussions into the full--but, but if the prestress or the precast or like whatever the term of art that I'm kind of groping for here, you know, doesn't represent like a big chunk of the marketplace, sort of anyway, you know, there may be a way just kind of around that, that you know, just like certain things that just, it just

wouldn't apply or something. I'm just trying to figure out if that, something can be figured out for the folks that do this, in place, and it really doesn't make, and we can't figure out a way to make it happen, for those that have the precast--

CHAIRPERSON DILAN: Respectfully, I think we should--

COUNCIL MEMBER GENNARO: Yeah.

CHAIRPERSON DILAN: --save that for, all for the conversation.

COUNCIL MEMBER GENNARO: Right, yeah, sure, but I'm just, I'm--

CHAIRPERSON DILAN: 'Cause I think to say it openly to potentially exempt one product or another--

COUNCIL MEMBER GENNARO: Right.

CHAIRPERSON DILAN: --we have the ability to do that, no question, but I'm sure there's a lot that we still need to learn before we come to those type of decisions.

COUNCIL MEMBER GENNARO: Certainly, and as I said earlier in the hearing, I don't pretend to speak for the Chair of the Committee or

the leadership of the Council or any other stakeholders that will have a lot of input and-- into what will ultimately happen, or not happen. So, just some brainwaves I just, but thank you for your indulgence, Mr. Chairman.

CHAIRPERSON DILAN: No problem. With that, like, like, yeah, absolutely. Go ahead.

PAUL BROOKS: Okay, here's really what strikes me about this, when I saw this. Okay, I've been in the technical side for 20 some years. When you, Cas Bognacki is a, is one of the smartest guys in the industry, certainly in maybe if not the world. He's a bright guy, when he does something, he does his homework, he's, he's got it right, he's right on top of it, he's got the statistics, he's got the respect of everyone he does business with. He, you know, look at what he's doing? Okay. Number one, World Trade Center, Freedom Tower. And JFK runway, he innovated that. He, he really is, I mean, it doesn't take long to see how, how much he knows. I don't have a problem with Cas Bognacki with 400 pounds. He'll get it every time. I mean, if I

was going to bet on something, that, that's what I'd bet on, him getting that. My problem is, in the more mundane projects, every day, where people aren't under the microscope, Cas Bognacki's not driving this thing. Okay? You got the day-to-day guys, okay. Not to disparage anybody being a day-to-day guy, but you know, when you're doing this 365 days a year, year after year after year, okay, you're, maybe, maybe you're not seeing that fastball, you're not, you're not atten--you don't, you know, it's not such a big project or something new that you've got all this study of. When it's a day-to-day thing, or is everybody going to be a Cas Bognacki every single day on every project? That's my concern.

CHAIRPERSON DILAN: That's a fair and valid concern. I don't, certainly don't know Ms., Mr. Bognacki's professional career maybe as well as you do, but it's something that, that I'm glad you brought to light. So, I'll extend the offer to this panel as I did the last panel, if there's any environmental research that you have done, that you feel will allow you to do business, however help achieve environmentally friendly

goals or sustainability, environmental sustainability, that you care to share, we'd like to, like to see it, if you could submit it to us at your leisure, we'd certainly appreciate that. Thank you all for coming, thank you for your time, and, and your testimony. Thank you. Okay, the final person to present will be Mr. Joseph Ferrara. And you're actually in favor of one piece of legislation and opposed to another piece, so I guess you could explain your positions on each.

JOSEPH FERRARA: [off mic] Thank you.

CHAIRPERSON DILAN: If you could turn the mic on, and then start by introducing yourself in your own voice.

JOSEPH FERRARA: Thank you. My name is Joseph Ferrara. I am Vice President and General Counsel of Ferrara Brothers Building Material. I think I’m the first and only concrete producer, so you'll hear a different side of this issue. My business was started by my father and uncles back in 1969. We've slowly and steadily grown into probably one of New York City's most,

largest and most highly regarded concrete producers. We care very much about the quality of our concrete. That's how we sell ourselves: quality and service. We're unique in that we are a manufacturer, as well as a deliverer. So, you have a manufacturing component and delivery component. So, it's dealing with New York City traffic and demanding contractors is always a challenge. And we have one of the panel members alluded, we have a 90 minute shelf life to get the concrete from our plant to a job site. And when President Obama's in town, that could be a real challenge. We're very passionate about concrete, but we feel Intro 577 is misguided and misplaced. We do share the City's concerns, and we do recognize our obligation to environmentally responsible. Our entire fleet is 100 percent complaint with the Diesel Emissions Reduction Act. I think we're the only concrete producer that all our trucks are, are compliant with DERA, and we're proud to say that we have two concrete mixers that run on compressed natural gas. The only two on the whole east coast. I got to ring the bell as NASDAQ because of these trucks. But we do have

practical concerns about the limit of 400 pounds of cement per yard. Yesterday, knowing I was coming here, we have thousands and thousands of concrete mixers. We looked at those and a handful, only a handful, are less than 400 pounds of cement. We've done concrete from sidewalk, 3,200 PSI, to we're doing Tower Four. And there are a few mixers that are less than 400, but it's really the customer that, the contractor, their needs. If you only use 400 pounds of cement, the concrete is gluey, you can't finish it, you can't get the smooth finish. So, because there's dozens of different applications--slabs, columns, sheer walls, foundations--it's the customer, the contractor who determines what he wants. We would love to be able to be more creative with the mixes, and I think the CIB, of which Cas is president, the Concrete Industry Board, which is a great cross-section of our industry--it has engineers, it has agencies, it has concrete producers, materials--they never really debated this. We just learned about this proposed law recently. But imposing this restriction, wouldn't allow us to service our customers' needs and

requirements. So, if all of the sudden overnight we couldn't put more than 400 pounds of cement in a yard of concrete, it would, it would dramatically change and radically change our, our whole industry. And it would make for a lot of angry contractors. And believe me, you don't want an angry contractor. We're 15 minutes late to a job and they're screaming and yelling. So, we did survey some of our customers and our contractors. Some of them won't even use slag or fly ash because it affects the workability of the concrete. So, to make a wholesale switch for all concrete for the--that's every yard of concrete produced in New York City. I don't think there is one mix that has been designed to be over 12,000 PSI. So this would radically change our whole industry overnight. And the other issues that come into play with 577, is the availability of the cement substitutes. Fly ash comes from Maryland, Ohio; slag comes from Camden. So, just the logistics of transporting this material could impact, and would, would make us change our whole operation. And finally, the, the home base. Concrete is such a local, natural product, and it,

and it does support our local economy. You think of sand, sand comes from eastern end of Long Island. So you mine the sand. The stone comes from upstate New York. You have upstate cement mills. And the local concrete producers, there's 40 concrete producers, like our comp--40 concrete plants in the five boroughs alone. So, so it really, really, most of which are union, they're highly paid positions. Right now, the concrete industry's hurting. We're down about 30-40 percent as an industry. And I guess it was Ms. Kerr who said every year they--and a light bulb went off--every year they remill a million tons of asphalt. I don't think in our lifetime we've never, ever replaced any concrete road or any concrete struc--concrete lasts a lifetime. So, maybe the City should look into spec'ing more concrete roads rather than asphalt roads. That'll solve the asphalt problem. But the Building Department recognized our industry, what I'm really fearful of is lowering the cement content I think is an invitation for disaster. About five or six year ago, a parking garage collapsed in Atlantic City. Cement, you cannot make concrete

without cement. So, if you start playing a game, I could name that tune, I could name it in five notes, you're inviting disaster. And the Department of Buildings, our industry got a black eye a couple of years ago because of the indictments of the concrete testing labs. The labs cut corners, there's no question, they didn't do what they were supposed to do; but our industry, the producers, got the black eye, they retested, they spent millions of dollars to retest the concrete. The concrete was, was fine in place, but recognizing that the CIB formed this CIB Concrete Producer Certification Program, where it requires concrete producers to invest in a laboratory, their own laboratory, test their raw materials, have your people certified by ACI and other national ready mix concrete, and if you allowed the CIB--and the Building Department has recognized that the CIB certified concrete producer can now issue its own mix designs, we're familiar with our materials. And, and we probably know more than any of our competitors, but we'd be leery about making it a blanket 400 pound maximum. So, there's, as to 60, about the use of recycled

aggregate, we're, we're definitely in favor of it, we are presently supplying the renovation of City Hall, with recycled aggregate. It's about ten, 15 percent. But I would only suggest that you, it says a minimum of ten, but you should make an upper, upper limit, you don't want 100 percent recycled, that would not be good. So, but we're happy to meet with the Committee, Subcommittee, talk about how it impacts our industry. Thank you.

CHAIRPERSON DILAN: Okay, so as it relates to 603, since we just finished on that, what would you recommend the, the high limit should be, where should it be focused around? And why is it, in your opinion, bad to use 100 percent?

JOSEPH FERRARA: Well, believe it or not, concrete is very scientific, and there's a lot of chemistry involved, and the coarse aggregate that you would be replacing, if you're using recycled concrete, there's a specific gravity per--and the specific gravity takes a volume versus its weight. So, if you're using crushed concrete that you don't know where it

comes from, you really don't know what the specific gravity of that is. So, sand has a specific gravity, the stone. So if you're replacing stone, that you know came out of a mountain, and it's the specific gravity's on the money, versus crushed concrete, which may or may not have the same specific gravity, it might be more porous, there'll be a lot of durability issues. But between ten and 25 percent, there's a lot of white papers on that, we could share that with the, with the Committee. My uncle's been the mad scientist with recycled concrete because we have a lot of it. A guy on a high rise deck, they have 40-50 guys on, on the, on a building, so rather than measure and see exactly what they need for their last load, they'll order a whole truckload and throw away $1,500 worth of concrete, because they just don't want to run short. So, that is a major problem; we crush it, we sell it as base. We'd love to be able to use it in ready mix concrete. It would solve some environmental concerns. But to, to just put a minimum and no maximum, might be a little--

CHAIRPERSON DILAN: Yeah, so to get

back to that, what, where do you think we should be around if we look to amend the bill in terms of a maximum, what percentage you think would be appropriate?

JOSEPH FERRARA: I would really defer to my uncle, who's, you know, has got all kinds of studies and analyses. That's his baby, he, I'm sure he'd be happy, everybody knows Uncle Lenny Ferrara.

CHAIRPERSON DILAN: Fair enough.

JOSEPH FERRARA: He's a legend in the industry.

CHAIRPERSON DILAN: Well, we may reach out to Uncle Lenny with your permission [laughter] should we decide to make amendments to that regard. [laughs]

JOSEPH FERRARA: Okay.

CHAIRPERSON DILAN: Okay, and so, we certainly appreciate your testimony. I think that the consensus amongst the industry is, you know, strong opposition to, to 477.

JOSEPH FERRARA: 577.

CHAIRPERSON DILAN: 577.

JOSEPH FERRARA: Yes.

CHAIRPERSON DILAN: Around the 400 PSI issue.

JOSEPH FERRARA: 400 pounds.

CHAIRPERSON DILAN: Yeah.

JOSEPH FERRARA: 400 pounds.

CHAIRPERSON DILAN: 400 pounds. So that, that seems to be the one thing I'll take away from this hearing. But being that you're apparently New York City specific, there was other agenda items in terms of, you know, how the, in regard to regulating the concrete washout water. Do you have any opinion on, on that?

JOSEPH FERRARA: Yes, we, we are, in our quotes and proposals, the contractors, you know, it's, we're, a requirement that the contractor must provide an environmentally responsible way to dispose the wash off the chutes of the--Really, our, our only issue is to wash off the chutes after the concrete's discharged, when it come down the chute. So there's no stones and, as the truck comes back to the plant. So, it is the contractor's responsibility. We deliver to hundreds of construction sites a day. And I give all my drivers specific instructions, if there's a

problem on the job, we stop delivering concrete and we have a conversation with the contractor. 'Cause guys cut corners and, you know, we don't want to be party to that. But then you run into the, you know, space, lack of space. There are companies that do, have gotten into this area with wash out containers that are watertight. Most of the high rise jobs, Tower Two, Tower Four, they do have environment--

CHAIRPERSON DILAN: Special--

JOSEPH FERRARA: --yeah, special containment. But a lot of guys'll just have a pile of sand on the, on a, "Here, wash your chutes in this pile of sand," and then they pick it up. So, you know, we can't be everywhere, but we do tell our drivers if there is an, if there isn't, something doesn't look kosher, let me know right away. So, it is an issue.

CHAIRPERSON DILAN: So it's largely, largely the responsibility of the contractors and the - -

JOSEPH FERRARA: [interposing] Oh, absolutely, yeah, absolutely.

CHAIRPERSON DILAN: Okay. Okay.

All right, we'd like to, to thank you for your time, and your testimony. And being that you're New York City based, I think a lot of the, the concrete companies in the region gave an idea about the size. About how large is, is your company? About how many people do you employ?

JOSEPH FERRARA: We run about 67 trucks, we have two plants in Brooklyn, two in, in Queens, one in Maspeth, one in College Point. At our peak season, we'll employ about 115 people.

CHAIRPERSON DILAN: Oh, okay.

JOSEPH FERRARA: Yeah.

CHAIRPERSON DILAN: All right, thank you.

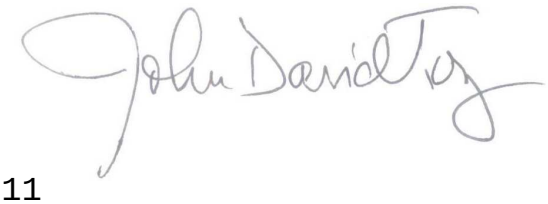
JOSEPH FERRARA: You're welcome.

CHAIRPERSON DILAN: Appreciate your time and your testimony. I don't believe Council Member Gennaro has any questions. Okay, I, just for the record, I have to acknowledge that I've received testimony for the record from the New York State Association for Affordable Housing, otherwise known as NYSAFAH. And I'm not sure, I didn't get a ch--in opposition to Intros 576, 585, 575, 577 and 578. Their testimony will be entered

into the record as if read in full. And all items before the Committee are laid aside. And that will conclude this hearing.

C E R T I F I C A T E

I, JOHN DAVID TONG certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood o-r marriage, and that I am in no way interested in the outcome of this matter.



Signature

Date July 8, 2011